

EXHIBIT 25



KENTUCKIANA
— COURT REPORTERS —

CASE NO. 20-CV-04768

JAMES FLETCHER JR.

V.

JEROME BOGUCKI, ET AL.

**DEPONENT:
EMMETT WADE**

**DATE:
November 11, 2023**



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DIVISION OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE ANDREA WOOD
5 CASE NO. 20-CV-04768
6

7 JAMES FLETCHER JR.,
8 Plaintiff
9

10 V.
11

12 JEROME BOGUCKI, ANTHONY
13 NORADIN, RAYMOND SCHALK,
14 ANTHONY WOJICK, UNKNOWN CITY
15 OF CHICAGO POLICE OFFICERS, AND THE
16 CITY OF CHICAGO,
17 Defendants
18
19
20
21
22

23 DEPONENT: EMMETT WADE

24 DATE: NOVEMBER 11, 2023

25 REPORTER: LUCY GOUGH

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(Appeared via videoconference)

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(Appeared via videoconference)

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STIPULATION

The VIDEO deposition of EMMETT WADE was taken at KENTUCKIANA COURT REPORTERS, 730 WEST MAIN STREET, SUITE 101, LOUISVILLE, KENTUCKY 40202, via videoconference in which all participants attended remotely, on SATURDAY the 11th day of NOVEMBER 2023 at 9:59 a.m. (CT); said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that LUCY GOUGH, being a Notary Public and Digital Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

THE REPORTER: We are on the record. My name is Lucy Gough, I'm the online video technician and court reporter today, representing Kentuckiana Court Reporters, located at 730 West Main Street, in Louisville, Kentucky. Today is the 11th day of November 2023. The current time is 9:59 a.m. Central Time. We are convened by video conference to take the deposition of Emmett Wade, in the matter of James Fletcher Junior v. Jerome Bogucki et al., pending in the United States District Court for the Northern District of Illinois, Case Number 20-CV-04768. Will everyone but the witness please state your appearance, how you're attending, and the location you're attending from, starting with Plaintiff's Counsel?

MR. STARR: Okay. Good morning, my name is Sean Starr from Loevy & Loevy, and I represent the Plaintiff, James Fletcher, in this matter --

MS. BITOY: Good morning --

MR. STARR: -- remotely from Chicago. Sorry.

MS. BITOY: Sorry. Good morning, my name is Jennifer Bitoy, and I represent the individual Defendant officers, and I'm appearing remotely via Zoom, in Chicago.

1 MS. MORRISON: Katherine Morrison for the City
2 of Chicago, and I'm appearing remotely from Chicago.

3 THE REPORTER: All right, thank you so much.
4 Mr. Wade, will you please state your full name for
5 the record and hold your ID up to the camera?

6 THE WITNESS: Emmett Wade, Jr.

7 THE REPORTER: Thank you.

8 THE WITNESS: I'm from Texas, in Texas.

9 THE REPORTER: Thank you so much. Do all
10 parties agree that the witness is in fact Emmett
11 Wade?

12 MR. STARR: Plaintiff agrees.

13 MS. BITOY: Yes, Defendant agrees.

14 MS. MORRISON: Yes, agree.

15 THE REPORTER: Thank you. And Mr. Wade, when
16 you're ready, will you please raise your right hand?

17 THE WITNESS: Okay.

18 THE REPORTER: Do you solemnly swear or affirm
19 that the testimony you're about to give will be the
20 truth, the whole truth, and nothing but the truth?

21 THE WITNESS: I swear.

22 THE REPORTER: All right. Counsel, you may
23 proceed.

24 DIRECT EXAMINATION

25 BY MR. STARR:

1 Q. Good morning, sir. Thank you for joining us
2 today on a Saturday morning. We appreciate your
3 availability. Mr. Wade, for the record, could you
4 please state and spell your name?

5 A. Emmett Wade, Jr. E-M-M-E-T-T, W-A-D-E, J-R.

6 Q. Thank you, sir. And let the record reflect
7 that this is a Zoom videotaped deposition taken pursuant
8 to the Federal Rules of Civil Procedure. Mr. Wade, I
9 represent a man by the name of James Fletcher. You
10 understand that, correct?

11 A. Correct.

12 Q. Okay. And the other lawyers here today on the
13 Zoom, represent the City of Chicago, and the individual
14 Chicago Police Officers that Mr. Fletcher has sued for
15 causing his wrongful conviction; do you understand that?

16 A. Yes.

17 Q. Okay. Sir, did you witness an incident that
18 involved a shooting on December 21, 1990, on the 5600
19 block of West Madison, in Chicago, Illinois?

20 A. Yes.

21 Q. And you understand that a man named Willie
22 Sorrell was shot and killed during that incident, on
23 December 21, 1990, correct?

24 A. Yes.

25 Q. Sir, as you sit here today, would you be able

1 to identify the offenders involved in that shooting?

2 A. No.

3 Q. Okay. Sir, approximately 12 years after that
4 shooting, did two Chicago police detectives come to your
5 home in 2002, to ask you questions about that 1990
6 shooting?

7 A. Yes.

8 Q. Did those detectives tell you, in 2002, that
9 they had a suspect from the 1990 shooting?

10 MS. MORRISON: Objection. Form.

11 THE WITNESS: Yes.

12 MS. MORRISON: Leading the witness.

13 MS. BITOY: I join that objection.

14 BY MR. STARR:

15 Q. I didn't hear your answer, sir?

16 A. Yes.

17 Q. Okay. Did those detectives ask you if you
18 could identify the suspect?

19 MS. MORRISON: Objection. Form. Leading.

20 THE WITNESS: Well, my whole position was I was
21 never able to identify nobody but the Holsum truck
22 bread driver.

23 BY MR. STARR:

24 Q. Okay. But did they ask you if they could --
25 if you were able to identify the suspect?

1 A. Yes.

2 Q. Okay. What did you tell them when they asked
3 you if you were able to identify the suspect?

4 A. I told them my -- from my point of view, the -
5 - my whole vision was concerning the Holsum truck
6 driver, because I saw him with the gun, shaking. And
7 when he went to shoot, I braced myself back in the seat
8 because I knew he was going to hit me, and -- but the
9 bullet hit my windshield, and ricocheted up.

10 Q. Did those detectives that came to your house
11 in 2002 show you any photographs of any suspects when
12 they visited your home?

13 MS. BITOY: Object to form.

14 THE WITNESS: Yes.

15 MS. BITOY: Foundation.

16 BY MR. STARR:

17 Q. Did the detectives that visited your home in
18 2002 specifically point out one of the photographs as
19 being the man they thought was their suspect?

20 MS. BITOY: Object to form.

21 THE WITNESS: Yes.

22 MS. MORRISON: Objection. Form. Leading.

23 BY MR. STARR:

24 Q. And sir, just so you know, in these
25 depositions there is going to be objections, and you can

1 let the other attorneys make their objections and then
2 answer the question. Sir, did they -- those detectives
3 -- ask you if you could identify the person in the
4 photograph as one of the offenders in the 1990 shooting?

5 A. Yes.

6 Q. What did you tell them when they asked you if
7 you could identify the person in the photograph?

8 A. The -- I told them that I saw the three people
9 run past -- well, they was on the, like, the side of my
10 car, of the van, and I could see them out the side of,
11 you know, from my peripheral vision, running past me
12 with hoodies on, like they was tied up. And then you
13 know, at that point, I'm still looking at the Holsum
14 truck driver because he's shooting. And -- and that's
15 the only person that I can identify that, you know -- in
16 that shooting.

17 Q. So is it correct then when the police showed
18 you the photograph, you told them you could not identify
19 anyone?

20 A. Correct.

21 Q. Okay. Did those detectives tell you that a
22 man named James Fletcher was their suspect?

23 A. They said Fletcher is a bad guy, and they
24 showed me the photograph.

25 Q. Did those detectives tell you anything else

1 **about Mr. Fletcher?**

2 A. No. Not so much, but he's the suspect in this
3 -- in this case and that, you know, we would need you to
4 identify. And I said, I cannot identify the guy because
5 I never saw him, per se, shoot. Only after the Holsum
6 truck, bread truck driver shot a couple of times, I
7 think it was, and that's when they returned fire and I
8 saw Mr. Sorrell, I think that's his name, fall.

9 Q. Did the police tell you that they already had
10 Mr. Fletcher in custody?

11 A. Yes.

12 Q. Did the --

13 A. And they said he wouldn't -- he would never
14 get out.

15 Q. Did the police tell you that Mr. Fletcher was
16 a bad guy they wanted to keep off the street?

17 A. Yes.

18 MS. MORRISON: Objection. Form. Leading.

19 MS. BITOY: Join that objection.

20 BY MR. STARR:

21 Q. You can answer, sir.

22 A. Yes. Yes, they did.

23 Q. Did the police tell you that they had any
24 other witnesses that had already identified Mr.
25 Fletcher?

1 A. They said they had other people, but at the
2 time, they didn't tell me who it was. Only when I made
3 it to court that I found out that it was a young lady
4 and Cooper, the Holsum truck driver --

5 Q. Okay.

6 A. -- who was at the Court. And we spoke briefly
7 then.

8 Q. Okay. So the -- when the police visited your
9 home in 2002, they told you that they had other
10 witnesses that had previously identified Mr. Fletcher?

11 A. Yes.

12 Q. And the detectives told you that they wanted
13 you to identify the photograph of Mr. Fletcher; is that
14 correct?

15 MS. MORRISON: Objection. Form. Leading.

16 THE WITNESS: Yes.

17 BY MR. STARR:

18 Q. And were you able to identify the man in the
19 photograph that the police identified as Fletcher as
20 being involved in a 1990 shooting?

21 A. No.

22 Q. And did you specifically tell the Chicago
23 Police that visited your home in 2002 that you were
24 unable to identify the man in the photograph they showed
25 you that they identified as Fletcher?

MS. BITOY: Just object to the form. Asked and answered.

THE WITNESS: Yes.

BY MR. STARR:

Q. And sir, do you know that my client, James Fletcher, was convicted of the shooting death of Willie Sorrell?

A. Yes.

Q. And do you have any basis whatsoever to believe that my client, James Fletcher, was involved in the shooting death of Willie Sorrell in any way?

MS. MORRISON: Objection --

THE WITNESS: No.

MS. BITOY: Objection. Form. Foundation.

BY MR. STARR:

Q. I didn't hear your answer, sir.

A. No.

MR. STARR: Sir. I'm going to show you what I'm going to mark as Exhibit number 1 for the record. It's Bates CCSAO Conflicts, Fletcher, Dixon, Bogucki 20CV4768. And the identifying number is 1761.

(EXHIBIT 1 MARKED FOR IDENTIFICATION)

BY MR. STARR:

Q. If you give me one moment, I'm going to share

1 my screen, sir. Sir, do you see this photograph on your
2 screen?

3 A. Yes.

4 Q. Sir, have you seen this photograph before?

5 A. I think this probably the photograph that they
6 brung to the house.

7 Q. Okay. So you believe that this is the
8 photograph that the police showed you in 2002, correct?

9 A. Correct.

10 Q. And is this the man that the police told you
11 was named Fletcher, sir?

12 A. Yes.

13 Q. And is this the man that police wanted you to
14 identify as being involved in the 1990 shooting?

15 A. Yes.

16 Q. Okay. Sir. Mr. Wade, have you ever given a
17 deposition before today?

18 A. No. No -- no more than in court.

19 Q. Okay. But never a deposition in a situation
20 like this, where you're sitting in a room without a
21 judge, but there's attorneys asking you questions and
22 there's a court reporter present?

23 A. No, I have never.

24 Q. Sir, what did you do to prepare for today's
25 deposition?

1 A. Well, basically, I just, you know, it's --
2 it's something that won't ever go away, but, you know, I
3 didn't -- I didn't have to do much preparing for it
4 because I remember it like yesterday.

5 Q. All right. And sir, you and I have never met
6 in person, correct?

7 A. Correct.

8 Q. But we've spoke on the phone a couple of
9 times; is that correct?

10 A. Right.

11 Q. Okay. Have you had an opportunity to speak
12 with any other attorneys about this case --

13 A. No.

14 Q. -- in preparation for today's deposition?

15 A. No.

16 Q. And you're not currently represented by any
17 counsel, correct?

18 A. Correct.

19 Q. All right. Sir, did you have a chance to look
20 over any documents in preparation for today's
21 deposition?

22 A. Yes. I looked over the documents, the
23 supplementary report, and I -- I -- what I -- what came
24 to mind was what they said I said. The police officers
25 put that I can identify -- I think I can identify them

1 --

2 Q. Okay. We're going to look at that -- I didn't
3 mean to interrupt you. Go ahead.

4 A. -- I never said that.

5 Q. Okay. We'll look at that document a little
6 bit, but -- so you looked at the police report, the 1990
7 supplemental report. Any other documents did you look
8 at in preparation for today's deposition?

9 A. Not that I can recall, no.

10 Q. Did you review your -- any handwritten
11 declaration?

12 A. Handwritten declaration? No.

13 Q. Okay. Well, I'm going to look at -- we're
14 going to look at that and I'll ask you again if it
15 refreshes your recollection. Did you look at any other
16 testimony that you gave in this case?

17 A. No.

18 Q. Okay. And then other than depositions, you
19 mentioned that you testified in court. Are you
20 referring to your testimony in this case, in the Willie
21 Sorrell homicide case?

22 A. Yes.

23 Q. Have you ever testified in any other cases
24 besides this case?

25 A. No.

1 Q. Okay. Do you recall testifying in this case,
2 sir?

3 A. Yes.

4 Q. And you testified in 2005, correct?

5 A. I believe so, yes.

6 Q. And you testified that the police showed up --
7 strike that. You testified that the police showed you
8 photos in 2002, correct?

9 A. Correct.

10 Q. Did you testify during the criminal trial that
11 the police specifically pointed out one photo, and asked
12 you to identify that suspect?

13 MS. BITOY: Just object to form.

14 THE WITNESS: Yes.

15 BY MR. STARR:

16 Q. You testified during the criminal trial that
17 they pointed to one photo, one photo in particular?

18 MS. BITOY: Objection --

19 THE WITNESS: Yes.

20 MS. BITOY: -- form.

21 BY MR. STARR:

22 Q. Okay. During the criminal trial, you were
23 asked if the police had anything for you -- for you to
24 view when they came to your home in 2002; is that
25 correct?

1 A. Correct.

2 Q. And you stated that the police showed you a
3 couple of photographs and you thought they might've been
4 5x7's or something like that; is that correct?

5 MS. MORRISON: Objection --

6 THE WITNESS: I can't remember.

7 MS. BITOY: -- the question. You can answer.

8 THE WITNESS: Okay. I -- I -- I couldn't
9 specifically say if I said 5x7s, but I did say
10 photos.

11 BY MR. STARR:

12 Q. Okay. Do you remember the police showing you
13 more than one photo in 2002 when they came to your home?

14 A. They could have, but the photo that they
15 looked at more -- mainly was Fletcher. Because the
16 officer was saying his name.

17 Q. Okay. So the police may have showed you more
18 than one photograph, but their emphasis was only on the
19 one photograph that they said was Fletcher; is that
20 correct?

21 A. That's correct.

22 Q. And that's the photograph that you remembered
23 today, right?

24 A. Right.

25 Q. And the detectives that came to your home in

1 2002, they only pointed out one photograph is being a
2 suspect, correct?

3 A. Right.

4 Q. When you were called to testify in 2005, did
5 you meet with anybody before you gave your testimony?

6 A. I think I met with the district attorney. I'm
7 -- you know, it's -- it's kind of vague when it come to
8 that. Because they set us in another room until --
9 until our testimony.

10 Q. Well, what do you remember -- go ahead.

11 A. One of the -- the -- the thing I -- that
12 stands out the most to me was the black police officer
13 that was in that room with us. And he said to us, be
14 very careful because Chicago PD has hired a lot of
15 racist police. And I thought that was kind of strange
16 at that point.

17 Q. So your testimony is that, before you gave
18 your testimony in court in 2005, you were in a witness
19 room and a police officer, a black police officer told
20 you that?

21 A. Yes. And -- and we -- it wasn't a witness
22 room, we was actually in another courthouse that wasn't
23 in operation that day.

24 Q. And when you say we, who are you referring to?
25 Who was with you besides this black police officer?

1 A. (No verbal response.)

2 THE REPORTER: Sorry --

3 BY MR. STARR:

4 Q. Hey, sir, your sound went out. I can't hear
5 you. Still can't hear you. Did you happen to hit the
6 mute button? Okay, you're back.

7 A. Hold on.

8 Q. Let me -- let me ask the question again.

9 MR. STARR: Oh, he said, hold on. I -- we
10 can't hear you.

11 THE WITNESS: Can you hear me?

12 MR. STARR: We can hear you now. Can you hear
13 us?

14 THE WITNESS: Hold on for one second.

15 MR. STARR: Okay.

16 THE WITNESS: Hello?

17 MR. STARR: We can hear you.

18 THE WITNESS: I don't know.

19 MR. STARR: Can you hear us, Mr. Wade? Why
20 don't we go off the record while I get this sorted
21 out?

22 THE REPORTER: Yeah, we're going off the
23 record. The time is 10:15 a.m.

24 (OFF THE RECORD)

25 THE REPORTER: We are back on the record for

the deposition of Emmett Wade being conducted by video conference. My name is Lucy Gough. Today is November 11, 2023. The current time is 10:20 a.m. Central Time.

BY MR. STARR:

Q. Mr. Wade, we were just discussing your testimony in 2005, and you testified that prior to giving your testimony, you were in a different courtroom waiting to testify. And you referred to there being -- you referred to people being there besides yourself, and the black police officer you mentioned. Who else was in that room, sir?

A. Cooper, the guy from the Holsum truck. The truck driver -- driver. And they brung a girl in briefly. And she was saying that she told them that she wouldn't testify. I mean, she -- yeah, she wouldn't testify because she didn't know who -- who shot him. So I think they had incarcerated at that time.

Q. Do you know who that woman, what her name was?

A. No, I never met her.

Q. And who was she telling that she didn't want to testify?

A. I guess somebody from the prosecution office.

Q. Okay.

A. That she didn't she -- she said she didn't

1 want to, because she didn't know the guy they want him -
2 - her to testify against, if it was him.

3 Q. Okay. So you heard this female witness tell
4 the state's attorney that she did not know who Mr.
5 Fletcher was. Is that what your testimony is?

6 A. Yes. Yes.

7 Q. Okay. And she could not identify Mr.
8 Fletcher; is that correct?

9 A. She said she could not identify him.

10 Q. Okay. And then you said that Mr. Cooper was
11 there as well, Edward Cooper; is that correct?

12 A. That's correct.

13 Q. And did you have any --

14 A. Me and him -- yeah, me and him shortly
15 exchanged some words.

16 Q. What did you talk to Mr. Cooper about?

17 A. Well, one of the first things I told him, I
18 said to him that day, I said, had you not shot, we
19 wouldn't be here today.

20 Q. So you were expressing your dissatisfaction
21 with the fact that he shot and his bullet hit your
22 vehicle; is that correct?

23 A. It wasn't just that the bullet hit my vehicle,
24 when them other guys shot back, that man died. That was
25 my biggest thing.

1 Q. And did -- what did Mr. Cooper say in response
2 to that, sir?

3 A. He said he -- he -- he got fearful and he just
4 acted out of haste. And I was like, yeah, but that cost
5 a life.

6 Q. Did you and Mr. Cooper discuss anything
7 further than that?

8 A. Yeah, he said he didn't -- he didn't know who
9 -- who -- he couldn't identify who did it. But you
10 know, he was in the same boat that I was. I said, I'm
11 not in a boat. You know? I'm just telling my truth.

12 Q. Did Mr. Cooper tell you anything about any
13 interactions he had with police?

14 A. No. Not that I recall. Just that they wanted
15 him, they brung him the photos. I guess the same photos
16 they brung me. And he -- he said at that point, he
17 couldn't identify him. But I don't know what his -- I
18 never heard his court testimony or anything like that.

19 Q. Did Mr. Cooper tell you anything else besides
20 that, sir?

21 A. No. Not that I could recall. Not at this
22 moment.

23 Q. Did you tell Mr. Cooper anything besides what
24 you've already testified to?

25 A. No.

1 Q. Did you tell Mr. Cooper that you were also
2 unable to identify Mr. Fletcher?

3 A. Yes.

4 Q. Other than the black police officer that you
5 mentioned, did you meet with any other police before you
6 testified?

7 A. No.

8 Q. Sir, where do you currently live?

9 A. In Texas. Dallas, Texas.

10 Q. And how long have you lived in that area, sir?

11 A. Since 2020 --

12 Q. Who do you live with --

13 A. -- May of 2020.

14 Q. May of 2020?

15 A. I live with -- I live with my fiance right
16 now.

17 Q. Do you have any family that lives in the area
18 besides your fiance?

19 A. Yes. I have all -- I have four daughters that
20 moved here, and I have my brother, and my sister.

21 Q. How old -- are your daughter's adult in age?

22 A. Yes. My youngest is 20. She's currently in
23 college.

24 Q. Did you live anywhere else prior to living in
25 the Dallas, Texas area?

1 A. No.

2 Q. Have you ever lived in the City of Chicago?

3 A. Yes.

4 Q. How -- what years did you live in the City of
5 Chicago?

6 A. Born and raised there to 2020.

7 Q. Okay. So you lived in Chicago your entire
8 life, and then you moved to Texas in 2020?

9 A. Right?

10 Q. All right. What prompted you to leave the
11 City of Chicago, sir?

12 A. My wife actually passed in 2016 and we had,
13 prior to her passing, we had always talked about moving
14 here. So you know, after a couple of years went by
15 after her death, I -- you know, felt it would be better
16 for me and my daughter, my youngest daughter to come
17 here and just start over.

18 Q. Sorry to hear that, sir. Are you currently
19 employed?

20 A. Yes.

21 Q. Where are you employed?

22 A. Oldcastle Infrastructure.

23 Q. And what do you do for Oak Castle [sic]
24 Infrastructure?

25 A. I drive a forklift for them.

1 Q. Is that a full-time job, sir?

2 A. Yes.

3 Q. Prior to working at Oak Castle Infrastructure,
4 were you employed anywhere else?

5 A. Yeah. I can't -- I -- I -- it was an oxygen,
6 a small tank oxygen company. I can't remember their
7 name.

8 Q. Was that in Texas or in Chicago?

9 A. That was Texas.

10 Q. Okay. And when you lived in Chicago, did you
11 have a full-time job in Chicago?

12 A. Yes. I was -- my last full-time job was FIC
13 America, and Carol Stream. And before that, I was ten
14 years employed at HYDAC Technology.

15 Q. How long did you work at FIC America?

16 A. A year.

17 Q. What did you do there, sir?

18 A. I drove forklift, material handler.

19 Q. All right. And then prior to that, you said
20 you worked at a place called HYDAC; is that correct?

21 A. HYDAC Technology. H-Y-D-A-C Technology.

22 Q. You worked there for ten years?

23 A. Ten years, yeah.

24 Q. And what did you do there, sir?

25 A. I was lead over shipping receiving and

pickers.

Q. Prior to HYDAC, did you have any other permanent full-time employment?

A. Yes. I worked for -- contracted out through Techtronic, for cable company.

Q. How long did you do that for, sir?

A. I did that from, I want to say 2004 all the way up until I started working for HYDAC in 2010.

Q. And then prior to 2004, did you have full-time employment in Chicago?

A. Yes.

Q. And where'd you work, sir?

A. Oh, well, 2004? I can't recall the company right now, that's been a while.

Q. That's okay. I -- I'm not trying to test your memory, I'm just trying to get an overview of your employment history. Were you working in 1990 sir, when this incident that we're here to talk about today happened?

A. I was doing plumbing work with my uncle.

Q. Was there a plumbing company that your uncle had?

A. Yes.

Q. And do you remember the name of that company?

A. Metcalf Plumbing.

1 Q. How long did you work for Metcalf Plumbing?

2 A. I think it was like a couple of years. I -- I
3 worked with my uncle.

4 Q. And you believe you were employed at Metcalf
5 Plumbing in December of 1990, correct?

6 A. Yeah. I know I was, my uncle was with me that
7 day also. It was my mother -- I mean, my uncle, my
8 wife, and my sister.

9 Q. They were --

10 A. Yeah, they was -- they was there and, you
11 know, something told me -- because Bonnie DeShong, a
12 record -- a radio personality was at the Payless across
13 the street. And I -- my uncle went into the clinic,
14 because he was going to the doctor that day. And my
15 wife and sister, I told them, you-all go over there and
16 see Bonnie DeShong. You know? It -- it -- it'd be
17 nice. And they went over there, and I was the only one
18 sitting in the van at the time reading a Sun-Times
19 newspaper.

20 Q. Was it -- Bonnie with B or Vonnice with V?

21 A. B.

22 Q. Okay.

23 A. B-O-N-N-I-E. Bonnie DeShong.

24 Q. Okay. I have to ask this, sir. I apologize
25 in advance, but have you ever been arrested before?

1 A. Before? Yes.

2 Q. What -- how many times have you been arrested?

3 A. Probably three or four for traffic.

4 Q. Are all your arrests traffic-related, sir?

5 A. Yes.

6 Q. Have you ever been convicted of any crime that
7 involves dishonesty, or breach of trust, fraud or making
8 a false statement of any kind?

9 A. No. I have no criminal record of any kind
10 like that.

11 Q. Were you ever a member of a street gang, sir?

12 A. No.

13 Q. Do you have any opinions, general opinions
14 about police or law enforcement?

15 A. No.

16 Q. Have you ever had any problems with police or
17 law enforcement?

18 A. No.

19 Q. Okay. Do you have any conditions that might
20 affect your ability to provide truthful and accurate
21 testimony today?

22 A. No.

23 Q. Do you have any conditions that might affect
24 your memory?

25 A. No.

1 Q. Are you taking any medications that might
2 affect your ability to provide truthful and accurate
3 testimony today?

4 A. Have never took medications. Thank God.

5 Q. All right. So it's safe to say you're not
6 taking any medications that affect your memory, correct?

7 A. Right.

8 Q. All right. Is there anything else that you
9 can think of that might affect your ability to provide
10 truthful and accurate testimony today during this
11 deposition?

12 A. No. This -- this thing, I guess going to go
13 to the grave with me, because it was so -- you can kind
14 of see it all, talking to you now, you can kind of see
15 the whole thing.

16 Q. And you're talking about the incident that you
17 witnessed on December 21, 1990, correct?

18 A. Right. I can even remember my sister trying
19 to cough -- comfort Mr. Willie as he was laying there.
20 He was shaking and I looked at my sister and told her, I
21 said, baby, he gone. He -- that's just his nerves I
22 think that's kicking in, you know. So yeah.

23 Q. So sounds like you have a pretty distinct
24 memory of the incident. Can you take us back? And can
25 you tell me everything that you actually do have an

1 independent recollection of regarding the incident that
2 you witnessed on December 21, 1990?

3 A. Okay. I was sitting on the driver's side of
4 the vehicle. When we pulled up, I parked, my uncle got
5 out. His name is Felton Metcalf, he's deceased. He got
6 out and he went into the doctor's office. I told my
7 sister and -- and my wife, I said, hey, you-all go over
8 there and see Bonnie DeShong. They was kind of
9 reluctant. I was like, no, go on and see her, we're
10 going to be sitting here for a while. You -- you know,
11 you want to sit up in this crammed van until, you know,
12 till he come out? So they went over there.

13 I was sitting there reading the paper, and I
14 looked up because I can kind of see the guys running
15 past me. And I looked up, and I'm looking at the Holsum
16 truck, which is Cooper. He was pointing the gun and he
17 was shaking. It was a silver gun. They say it was a
18 .38, I thought it was a bigger caliber gun. I don't
19 know why, but it looked like a bigger caliber. And I saw
20 him point. I said, oh my God, he going to hit me. He
21 aiming at me. And he shot off the first shot. And like
22 I said, that hit the windshield, ricocheted up. Then he
23 shot again. And then it was return fire, and I could
24 see Mr. Willie fall. And I said, oh my God. And I
25 jumped over to the other side of the van.

1 My initial reaction was to go grab Cooper,
2 because I was pissed off that he shot. Had he not shot,
3 this wouldn't have never happened. So -- but he had ran
4 trying to chase the guys, and I'm like, oh my God, he
5 trying to play hero out here, you know? And when he
6 came back, that's my sister at this time, and my wife
7 had came up out of the Payless, and my sister was
8 comforting him. And I saw them, the police, with
9 Cooper, and I went to approach, and they bagged me back.

10 Q. Okay. So the police, you said they bagged you
11 back to them. What do you mean by that?

12 A. Because I was pissed.

13 Q. Okay.

14 A. You know, I -- I had a cracked windshield,
15 could've cost me my life. Because when he shot, that
16 bullet probably would've hit me in my head.

17 Q. Did you have any conversation with the police
18 at the scene?

19 A. No. They just -- well, I did have a little
20 conversation because they asked me to come over to Grand
21 Crossing, to the police station.

22 Q. All right. Did you do that, sir?

23 A. Yes, I did.

24 Q. And did the police interview you when you went
25 to the police station?

1 A. Yes.

2 Q. And did you tell the police what you
3 witnessed?

4 A. Yes.

5 Q. All right. And I apologize for asking this,
6 but I have to ask this. Were you on any drugs or any
7 alcohol the day you witnessed this incident?

8 A. No.

9 Q. Okay. And the men that you saw running from
10 the scene, as you sit here today, do you know who those
11 men were?

12 A. No.

13 Q. When you went to the police station in 1990,
14 was it the same day as the incident?

15 A. I can't recall. I don't -- I don't -- I don't
16 think it was the same day, though. I really don't.

17 Q. Was it --

18 A. I think it was a couple of -- couple of days
19 after.

20 Q. Was it close in time to the incident?

21 A. Yes.

22 Q. Were you pretty shaken up after the incident?

23 A. I -- I don't know what to call it. I -- I
24 think I was more angry than shook up.

25 Q. When you met with police in 1990, were they

1 wearing the traditional Blue Chicago Police uniforms, or
2 were they wearing plain clothes?

3 A. No, they was plain clothes officers.

4 Q. Do you know the name of the officer or
5 officers that you met with?

6 A. I can't recall.

7 Q. Did you meet with more than one?

8 A. It was two officers, and a district attorney.

9 Q. And that's in 1990, correct?

10 A. Right.

11 Q. Okay. After that day at the station, you
12 previously testified that you didn't see the police
13 until 2002; is that right?

14 A. Right. I never saw him no more until after
15 that.

16 Q. All right. So can you tell me everything you
17 remember about the police coming to your home in 2002?

18 A. Well, the -- I think the first time they came,
19 they said they -- they have a suspect in the -- in the
20 case from the shooting. And I said, okay. And they
21 said that they will come back with the district attorney
22 to interview me more. And that day they just left, and
23 then they came back with her.

24 Q. And do you remember what month it was that the
25 police came to your -- first came to your home in 2002?

1 A. No. I can't remember what month it was,
2 because -- it probably was getting close to fall,
3 because I was painting.

4 Q. Okay. You remember --

5 A. I was painting. I was painting my living
6 room.

7 Q. Okay. You remember you were painting when the
8 police came to your home? And then you said the police
9 came back a second time; is that correct?

10 A. Right.

11 Q. Tell me what you recall about the police
12 coming back to your house that second time.

13 A. Well, they came with the state's attorney. And
14 she sat in the chair and I sat on the couch across from
15 that with the police officers, because they was mainly
16 the ones questioning, you know, telling me what was
17 going on. So I sat with them. It -- it -- this was
18 probably about a 20-minute meeting where they was like -
19 - they showed me the picture and said, this is the guy
20 Fletcher, and he's a bad guy, and we want to keep him
21 behind bars. And at that point I said, I can't identify
22 him. I won't, sir. I told them then I would not say
23 that that was him when I didn't see him.

24 Q. And you told the police that?

25 A. Yes.

1 Q. The police that came to your house, how many
2 were there?

3 A. Two.

4 Q. Okay. And were they in plain clothes, or were
5 they in blue police uniforms?

6 A. They was in plain clothes. Detective.

7 Q. Okay. They were detective -- they identified
8 themselves as detectives?

9 A. Yes.

10 Q. Do you recall what their names were, sir?

11 A. No.

12 Q. Okay. And the woman that you -- there was a
13 woman state's attorney, you think; is that correct?

14 A. Yes. She -- it was no doubt she was a woman.

15 Q. Did she -- okay, fair enough. Did she tell
16 you what her name was, sir?

17 A. She did. But I -- I can't -- I -- I can't
18 recall that either. There's too much time that went
19 past.

20 Q. Okay. And she self-identified as a state's
21 attorney; is that correct?

22 A. Yes, she did.

23 Q. Did she show you any kind of credentials of
24 any kind?

25 A. No.

1 Q. While the detectives were interviewing you,
2 what was the -- where was the state's attorney?

3 A. She was sitting across from us in the -- in my
4 chair. I was sitting on the sofa with the two police
5 officers.

6 Q. Okay. And while the police were interviewing
7 you, what was the state's attorney doing?

8 A. I think she was, if I recall correctly, she
9 was looking at notes or something I think. You know, I
10 didn't pay too much attention to her because she wasn't
11 the one asking the -- you know, asking the questions.

12 Q. Okay. Was your focus on the police that were
13 interviewing you, or was your focus on the state's
14 attorney?

15 A. That -- that was all my focus on the police
16 because they was the ones who was showing me the
17 pictures, and asking me the questions.

18 Q. Do you even know if the state's attorney was
19 listening to your conversation with the police?

20 A. No, I don't know --

21 MS. MORRISON: Objection. Speculation. You
22 can answer.

23 THE WITNESS: I don't know.

24 BY MR. STARR:

25 Q. And as you sit here today, do you know what

1 the names of those two police officers were or are?

2 A. No.

3 Q. Okay. But they did identify themselves back
4 in 2002, correct?

5 A. Right. The same police came twice to my
6 house.

7 Q. All right. Do you recall were they male or
8 female?

9 A. They was male, white males.

10 Q. Okay. Do you recall anything else about what
11 they looked like?

12 A. One of them, I want to say, had a salt and
13 pepper mustache. I -- I -- I can't recall whether he
14 was kind of balding a little bit. And the other one was
15 a little bit taller.

16 Q. Okay. Do you recall whether one was heavy or
17 thin?

18 A. The one I think that was balding was kind of
19 getting heavy.

20 Q. Anything else that you can recall about what
21 they looked like?

22 A. No. The state's attorney, she was -- I -- I
23 think she was kind of tall and slender.

24 Q. And do you remember what color hair the
25 state's attorney had?

1 A. Black. I -- I'm pretty sure it was black.

2 Q. And do you remember the hair color of the two
3 officers?

4 A. Salt and pepper, probably.

5 Q. So you're not sure?

6 A. Right.

7 Q. And what did the police -- what do you
8 specifically remember them saying to you?

9 MS. MORRISON: Objection. Form.

10 THE WITNESS: Well --

11 MS. MORRISON: You can answer.

12 THE WITNESS: Okay. They came in, they said
13 they had a suspect, that he was a bad guy and he
14 would never -- he would never be on the streets
15 again when convicted.

16 BY MR. STARR:

17 Q. Okay. Did they say anything else at that
18 point?

19 A. No. Well, they showed me the photos, and they
20 kept saying, you know, when you -- when we get into
21 court, this is the guy that identified him. And that's
22 when I said, I couldn't identify anyone on the shooter
23 side, because I know whoever shot back at the Holsum
24 truck driver, those was the people who had to hit
25 Mr. Sorrell, because he fell when they shot back. So

1 I'm looking in the direction of the Holsum truck driver.
2 That's how I was able to see him fall, Mr. Willie. And,
3 you know, that's what I remember about that.

4 Q. Do you remember how many offenders there were
5 besides the Holsum truck driver?

6 A. I always -- you know, from what I was seeing
7 out the side of my eye, I -- I -- I thought I saw three
8 people running.

9 Q. Did the police talk to you about the number of
10 offenders when they came to your home in 2002?

11 A. I don't recall. No, I don't recall. They
12 just was -- they focus was mainly on Fletcher.

13 Q. All right. And you said they showed you
14 pictures. Do you -- do you have a recollection of how
15 many pictures there were?

16 A. No.

17 Q. Do you --

18 A. But I do know that his picture was the only
19 one that they focused on.

20 Q. Okay. And when you say his picture, you're
21 talking about James Fletcher, correct?

22 A. Right.

23 Q. And you're talking about the picture that I
24 previously showed you that I marked as Exhibit 1; is
25 that correct?

1 A. Right. Correct.

2 Q. And did the police ask you for anything?

3 MS. BITOY: Objection to form.

4 THE WITNESS: No.

5 BY MR. STARR:

6 Q. Did the police ask you to identify that
7 photograph of Mr. Fletcher?

8 A. They -- they didn't put it in that form of
9 questioning. They just said, this is the guy who did
10 the shooting and, you know, when you come -- you know,
11 when the case start, you -- you know, you'll be one of
12 the witnesses who, you know, put it in form that he was
13 the guy. I -- and that's -- like I said again, I told
14 them I could not identify the shooters.

15 Q. Do you recall anything else about the
16 photograph that they showed you that they identified as
17 Mr. Fletcher?

18 A. It looked like a DOC photograph.

19 Q. Anything else?

20 A. That's it.

21 Q. Did the police point out any of Mr. Fletcher's
22 physical characteristics to you?

23 A. No.

24 Q. Did the police mention anything about
25 Mr. Fletcher's lips to you?

1 A. No.

2 Q. And did they tell you anything else about
3 Mr. Fletcher besides the fact that he was their suspect
4 and that he was in custody and that he was a bad guy.

5 A. That's all they said.

6 Q. During your interaction with these police
7 officers in 2002 at your home, did you form any opinion
8 about them based on your interactions with them?

9 MS. BITOY: Objection. Form.

10 MS. MORRISON: Objection. Form.

11 THE WITNESS: No.

12 MR. STARR: Mr. Wade, I'm going to show you
13 what I'm going to mark as Exhibit number 2, and for
14 the record that this is Bates Fletcher 003 through
15 009.

16 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

17 BY MR. STARR:

18 Q. If you bear with me for one moment here, put
19 up on the screen for you to see. All right, sir, can
20 you see this document on your screen?

21 A. Yes.

22 Q. Okay. And do you see that at the top of the
23 document, there's a caption and it says, "People v.
24 James Fletcher" and there's a case number? Do you see
25 that, sir?

1 A. Yes.

2 Q. Okay. And then do you see that the title of
3 this document is Declaration?

4 A. Yeah, I see Declaration above my name.

5 Q. Okay. And understanding that this is a
6 document on your screen or your phone, let me know if
7 you want me to make it bigger or anything, or zoom in it
8 at all at any point to make it easier for you, okay?

9 A. You can make it bigger because I -- I -- I --
10 I wear glasses.

11 Q. Okay. So I'm going to try to make it big
12 enough that I can use it as an exhibit but also so you
13 can see it. I made it a little bit bigger. Did that
14 help at all?

15 A. Yes.

16 Q. All right. And do you see that your name is
17 listed underneath the word "Declaration" there?

18 A. Right, that and my birthdate.

19 Q. Is that your correct birthdate?

20 A. 11-25-64, yes.

21 Q. Okay. I'm going to scroll -- I'm going to
22 show you a certain part of this briefly, but I'm going
23 to scroll to the end. And you can see at the end that
24 the Bates stamp at the bottom of this is Fletcher 0009.
25 Do you see that, sir?

1 A. Fletcher 009?

2 Q. The right-hand corner, do you see that at the
3 bottom?

4 A. Yeah, I see that.

5 Q. Okay. Above this, you -- there is a signature
6 line where on one side of the page it says, "signature
7 of declarant." Do you see that on the left-hand side?

8 A. Yes.

9 Q. Is that your signature, sir?

10 A. Yes, it is.

11 Q. Okay. And on the right-hand side, there's a -
12 - it says, "signature of witness," and there's someone
13 else's signature. Do you see that as well, sir?

14 A. Yes. I see that.

15 Q. And the dates on here are 3-17-2012, correct?

16 A. Correct.

17 Q. Okay. So you recognize that as being your
18 signature, right, sir?

19 A. That is my signature.

20 Q. Okay. Does seeing this document -- and we're
21 going to look at it in more detail. But does seeing
22 your signature on this document refresh your
23 recollection of signing this document, sir?

24 A. No, I don't.

25 Q. Okay.

1 A. I really don't.

2 Q. Okay. So going back to the first page, it
3 says -- I'm just going to read it into the record, but I
4 want you to look at it as I'm doing it. It says, "This
5 statement was taken at Louie's Grill in Forest Park on
6 March 16, 2012, by Jennifer Blagg on behalf of James
7 Fletcher AKA Arnold Dixon." Do you see that?

8 A. Yes, I remember Louie's. Yes.

9 Q. Okay. Does this refresh your recollection of
10 meeting with Ms. Blagg to sign this document?

11 A. Yes.

12 Q. Okay.

13 A. It's vague, but I remember it.

14 Q. All right. And you -- do you know that
15 Ms. Blagg represented Mr. Fletcher during the
16 post-conviction proceedings?

17 A. Yes.

18 Q. All right. And you have a recollection of
19 meeting with Ms. Blagg in 2012, correct?

20 A. Yes.

21 Q. All right. I want to -- I'm not going to
22 belabor this too long, because I understand this is
23 small on your screen, but I want to go through a part of
24 this. On this first page in the middle of the page, and
25 I can kind of highlight it with this cursor, there's a

1 sentence that says, "I saw a man fall as I was getting
2 out of the van." Do you see that?

3 A. Yes.

4 Q. Okay. And this is a reference to Willie
5 Sorrell; correct, sir?

6 A. That's correct.

7 Q. All right. And above that, there's a line
8 that says, "I saw three men run by me wearing black
9 hoodies with the hoods over their heads." Do you see
10 that?

11 A. Right. That's true.

12 Q. And are those the three men that you
13 previously testified that you thought you saw running
14 from the scene of the shooting?

15 A. Right.

16 Q. All right. I'm going to scroll down to the
17 next page, sir. All right. And you can see at the
18 bottom, this is Fletcher 004, correct?

19 A. Right.

20 Q. All right. At the top of this page, and
21 understanding, again, this is small and that it's
22 handwritten. It says, at the very top, the second line,
23 "I went to get Cooper and confront him because he shot
24 my van." Do you see that?

25 A. Right.

1 Q. And then it says, "The police stopped me." Do
2 you see that, sir?

3 A. Yeah. Right.

4 Q. Okay. Is that a reference to what you
5 previously testified to, that after the shooting you
6 wanted to confront Mr. Cooper because he had shot your
7 van?

8 A. Right. I wanted to confront him for a couple
9 of reasons. Like I said, I was seeing the guy lay out
10 and the van window was shot. You know, you could see
11 the bullet print into the window where it had
12 ricocheted.

13 Q. Okay. In this same paragraph, it -- and I'll
14 highlight this briefly here. It says, "The police gave
15 me a card, and told me to come to Grand Station." Do
16 you see this?

17 A. Yes.

18 Q. And is that a reference to what you previously
19 testified that you went to the police station after the
20 shooting?

21 A. Right.

22 Q. All right. The next paragraph says -- and
23 it's the first sentence of the next paragraph. It says,
24 "I didn't hear anything else about the case until 2002."
25 Do you see that?

1 A. Yes.

2 Q. And that's consistent with what you previously
3 testified to, right, sir?

4 A. Right.

5 Q. Okay. And then it says, "One weekday while I
6 was painting the house, two officers came to my house in
7 Bellwood." Do you see that?

8 A. That's correct. Frederick --

9 Q. Okay.

10 A. -- Avenue in Bellwood.

11 Q. All right. And then it says, "The officers
12 said they reopened the case and had a man in custody."
13 Do you see that, sir?

14 A. Yeah. I can't really see it, but --

15 Q. It's right here.

16 A. Okay.

17 Q. Is that correct?

18 A. That's correct.

19 Q. Okay. And then it says, "They wanted me to
20 make another statement." Do you see that, sir, the next
21 sentence?

22 A. Yes.

23 Q. Is that correct?

24 A. That's correct.

25 Q. It says, "One officer was bald and kind of

1 chubby. The other was slimmer in a trench coat." Do
2 you see that, sir?

3 A. Right.

4 Q. And is that correct?

5 A. That's correct. That's what I just tried to
6 describe a minute ago.

7 Q. All right. And then it says, "They told me
8 that a state's attorney would come back with them in a
9 few days." And that's --

10 A. That's correct.

11 Q. And then the next paragraph says, "The
12 officers called me a couple days later and asked me what
13 a good time would be for them to come back. I told
14 them, and they came back with a tall slender female
15 state's attorney." Do you see that?

16 A. Yes.

17 Q. And is that accurate?

18 A. That's accurate.

19 Q. Okay. "They came inside. We sat down. The
20 guy with the bald head showed me one picture." Do you
21 see that, sir?

22 A. Yes.

23 Q. And is that correct?

24 A. That's correct.

25 Q. Okay. And then at the bottom of this, it

1 says, "He said this," and it goes onto the next page.
2 And I will -- actually, before I go into this, I'll for
3 the record represent that there's a duplicate page. So
4 Page 5 is a reprint. So I'm going to go from Page 4 --
5 you see it says 2 of 6 here, sir?

6 A. Uh-huh.

7 Q. Okay. So he said this. And then if I go to
8 this next page, this next page says 2 or 6 again. So
9 I'm going to go onto to the Fletcher 06. And you can
10 see that it'll say 3 of 6 at the bottom; do you see
11 that?

12 A. Yeah. I haven't got there --

13 Q. Okay.

14 A. Yeah, I see it now.

15 Q. Okay. So that's the third page. So it says,
16 "He said that this is the guy we have in custody. He is
17 a bad guy. We want to keep him off the street." Do you
18 see that, sir?

19 A. Yes.

20 Q. And is that accurate? Did the police say that
21 in --

22
23
24 A. That's --

25 Q. -- 2002.

1 A. That's accurate.

2 Q. Okay. The Affidavit goes on to say, "They let
3 me know he was in jail, and they didn't want him to get
4 out." Do you see that, sir?

5 A. That's correct. That's correct.

6 Q. And then it says, "they said it would -- that
7 if he got connected on this case, he would be in for
8 life." Is that correct?

9 A. That's correct.

10 Q. Okay. And then farther down the page, it says
11 -- and I'll highlight here. It says, "They seem
12 confident that the man in the picture was the man who
13 committed the crime." Is that correct?

14 A. That's correct.

15 Q. And then it says, "I was not confident, and I
16 told them that I would not say it was him." Do you see
17 that, sir?

18 A. Yes.

19 Q. Okay; is that correct?

20 A. That's correct.

21 Q. Okay. Further down the page -- sorry, a
22 little bit higher. It went down too far, but I'll show
23 you where. Right here it says -- do you see this, sir?

24 A. Yeah. I could see the blue.

25 Q. Okay. It says, "They told me when they were

1 trying to get me to say that the man in the photo did
2 it, that they had a woman in custody who saw everything,
3 that would identify the man." Do you see that, sir?

4 A. Yes.

5 Q. Is that accurate? Did the police tell you
6 that when they visited your home in 2002?

7 A. I can't recall that, you know, right now, but
8 that -- that -- that had to be accurate if I said it
9 then.

10 Q. Okay. Do you think your recollection of this
11 event was a little better in 2012 than it is in 2023?

12 A. Sure, it is.

13 Q. Okay. And the next line says, "It seemed like
14 they were using that to persuade me that it was the man
15 in the photo and I should ID him." Do you see that?

16 A. Yes, and I often said that.

17 Q. Okay. And do -- that's accurate then, right?

18 A. Yes.

19 Q. Okay. And the next line says, "I asked the
20 men who the man in the picture was, and they told me
21 Fletcher." Do you see that?

22 A. Right.

23 Q. And did that happen in 2002; did the police
24 tell you that?

25 A. Yes.

1 Q. Okay. And it says, "They told me his whole
2 name, but at the time, I only remembered Fletcher." Is
3 that correct?

4 A. That's correct.

5 Q. Okay. All right. Going onto to the next
6 page, Fletcher 07. There's a first full paragraph down
7 here. It starts with, "I went to court and spoke to the
8 prosecutor briefly." But further down the page, it says
9 -- and I'll highlight it for you. Do you see this?

10 A. Uh-huh.

11 Q. Okay. It says, "Before I went to sit with
12 Cooper, I was sitting on the courtroom -- or in the
13 courtroom, and you could see in the lockup when they
14 opened up the doors. Once they opened the door, I saw a
15 woman crying. She looked like she didn't want to be
16 here. I knew she was the woman that they had in custody
17 that they had told me about before." Do you see that?

18 A. Yes.

19 Q. Okay. And is that accurate, did you see that?

20 A. Yes.

21 Q. Okay. It says -- it goes on to say, "I had
22 been to court a couple of times before, and they had not
23 been able to locate her. I had never talked to Cooper
24 before the day of trial." Do you see that?

25 A. Yes.

1 Q. And is that accurate, you had never talked to
2 Cooper before the day of trial?

3 A. No. I had never talked to him until they set
4 us in the room together.

5 Q. And then it says, "We started chatting, and he
6 told me he wasn't sure who did it." Do you see that?

7 A. Yes.

8 Q. And is that accurate? Did Mr. Cooper tell you
9 in 2005 at trial that he wasn't sure who committed the
10 crime?

11 A. Right.

12 Q. Okay. And then I'm going to take you to the
13 next page, which is Fletcher 08. This is a little
14 smaller here, just because it runs off the off the side
15 of the page. All right. Do you see this part here
16 that's kind of in the margins, it says "They started
17 chatting with a black officer"? Do you see that?

18 A. Yes.

19 Q. And is this the black police officer -- is
20 this a reference to the black police officer you already
21 testified to?

22 A. Right.

23 Q. Okay. And it says, "They started chatting
24 with a black officer who's there. The black officer
25 told me that these officers were bad guys, and they were

1 racist. He said they would do anything to close a
2 case." Is that correct?

3 A. Yeah. That's correct.

4 Q. Is that accurately -- is that an accurate
5 representation of what this black officer told you in
6 2005 about the detectives who visited your home in
7 2002?

8 A. Yes.

9 Q. Okay. And then sir, the last page, I'll take
10 you -- the last page here, and it says -- there's a
11 paragraph here. Do you see this paragraph that says, "I
12 haven't been promised anything"?

13 A. Right.

14 Q. Okay. It says, "I haven't been promised
15 anything for giving this statement. It is the truth,
16 and I'd be willing to testify for Fletcher at an
17 evidentiary hearing or any other court proceeding." Do
18 you see that?

19 A. Yes.

20 Q. Is that accurate, sir?

21 A. That's accurate.

22 Q. Okay. So this says that you were not promised
23 anything in exchange for giving this statement, correct?

24 A. Correct.

25 Q. Has anybody -- strike that. Has Mr. Fletcher,

1 my client, James Fletcher, promised you or given
2 anything to you in exchange for your testimony?

3 A. Never -- never met him.

4 Q. Okay. You've never met Mr. Fletcher?

5 A. No.

6 Q. You don't know who he is, correct?

7 A. No -- correct.

8 Q. Okay. Have you ever met Mr. Fletcher's
9 father, James Fletcher, Sr?

10 A. I have.

11 Q. Did James Fletcher, Sr. ever promise you
12 anything or give you anything in exchange for making
13 that statement or for testifying today?

14 A. Never have.

15 Q. Okay. Has anybody ever promised you anything
16 or given you anything in exchange for your testimony in
17 this case?

18 A. Never.

19 Q. Okay. Sir, what did motivate you to testify
20 today in this case?

21 A. Like -- it's nothing that really motivated me.
22 I just would love to see the truth come out, you know,
23 what's really the truth of this case, because I don't
24 think it was ever handled right.

25 Q. Why do you think it was never handled right,

1 **sir?**

2 A. I just found it odd back -- back then when it
3 came to my door that they would point out one guy and
4 just, you know, hold that one guy to what I don't think
5 nobody else could -- could identify because them guys
6 was hooded up. I think they had some kind of material
7 around, from what I could see from they face, around
8 their face. I don't think nobody could have identify
9 them.

10 Q. So do you think the police who came to your
11 home in 2002 acted inappropriately?

12 MS. BITOY: Objection. Form.

13 THE WITNESS: I think they did.

14 BY MR. STARR:

15 Q. You can tell -- you can answer.

16 A. I think they did.

17 Q. Why do you think they acted inappropriately,
18 sir?

19 A. Because --

20 MS. MORRISON: Objection. Foundation. You can
21 answer.

22 THE WITNESS: Okay. I -- I just think if you
23 have a lineup of pictures like that, you should --
24 you shouldn't be just pointing out one guy.

25 BY MR. STARR:

1 Q. Okay. And sir, if this case proceeded to
2 trial, would you be willing to come to Chicago to
3 testify at trial about what you saw and what happened in
4 this case?

5 A. Yes.

6 Q. Okay. And if you came to trial and testified,
7 would you tell the truth?

8 A. Yes.

9 Q. Is everything you said today the truth, sir?

10 A. It's what I've been saying for the last --
11 since 1990.

12 MR. STARR: Okay. I have no further --

13 THE WITNESS: Nothing changed.

14 MR. STARR: I have no further questions. Thank
15 you, sir.

16 THE WITNESS: Uh-huh.

17 CROSS-EXAMINATION

18 BY MS. BITOY:

19 Q. Good morning, Mr. Wade. My name is Jennifer
20 Bitoy. And again, I represent the individual Defendant
21 officers in this case, and I have a couple of questions
22 for you.

23 A. Okay.

24 Q. So you testified that you had spoken to
25 Mr. Starr a couple of times before your deposition

1 today; is that correct?

2 A. That's correct.

3 Q. When is the first time that you spoke to
4 Mr. Starr?

5 A. You're referring to the police officers,
6 right?

7 Q. No. I'm sorry, so the attorney, Sean Starr,
8 who's been asking you questions --

9 A. Oh, I -- I -- I -- oh, I'm sorry, I -- I don't
10 --

11 Q. That's okay.

12 A. I see. I don't know his name. I'm not good
13 with name.

14 Q. That's okay.

15 A. I think it's been a couple of times that I --
16 I have spoken to him.

17 Q. Sure. So when's the very first time that you
18 spoke to the attorney who's been asking you questions,
19 Sean Starr?

20 A. Probably about a month ago, when he told me
21 that I would have to do a deposition.

22 Q. And I'm assuming that was a phone
23 conversation. Sorry. Sir, are you able to hear me?

24 A. Yes. Can you hear me?

25 Q. Yes, I can hear you now. You said you spoke

1 to Mr. Starr a month ago. Was that a phone
2 conversation?

3 A. Right. Yes.

4 Q. Okay. And was anyone else on the call?

5 A. Not that I recall, no.

6 Q. Okay. And what did Mr. Starr say to you, and
7 what did you say to him?

8 A. That he was heading into court and they needed
9 my testimony and that I had been subpoenaed. So I said,
10 okay.

11 Q. Did Mr. -- how long was that conversation?

12 A. Couldn't have been no more than five minutes.
13 I was at work.

14 Q. When's the next time that you spoke to Mr.
15 Starr?

16 A. A couple days ago.

17 Q. And was that another phone conversation?

18 A. Yes.

19 Q. Was anyone else on the phone besides yourself
20 and Mr. Starr?

21 A. I can't think of the guy's name, but yes.

22 Q. Okay. Did he identify himself?

23 A. Yes. I think he's a private investigator or
24 something like that.

25 Q. And the private investigator was a man?

1 A. That located me, I guess.

2 Q. Okay. And so he was on the -- so the next
3 conversation that you had with Mr. Starr was yourself,
4 Mr. Starr, and this private investigator who had located
5 you; is that accurate?

6 A. That's correct.

7 Q. Okay. Is that the very first time that you
8 had spoken to that private investigator, or had you
9 spoken to him previously?

10 A. No, he actually reached out to my sister
11 that's in Chicago, and he the one who got this whole
12 thing going in place.

13 Q. And what -- how long was that conversation
14 between yourself, Mr. Starr, and the private
15 investigator?

16 A. Probably about five minutes, if -- if that
17 long.

18 Q. And what was discussed during that
19 conversation?

20 A. This Zoom meeting here we're doing today.

21 Q. Were you given any information about
22 Mr. Fletcher's lawsuit?

23 A. I just asked for these documents that they
24 sent over.

25 Q. And so, you just mentioned that they had sent

1 over documents. When did you receive documents?

2 A. I want to say about a week ago.

3 Q. And exactly what documents did you receive?

4 A. Let me read that. The general progress
5 report. I guess it's the police -- the Supplementary
6 Report from the police department.

7 Q. Are there -- if you look at the bottom
8 right-hand corner of the pages, are there any numbers --

9 A. Numbers?

10 Q. Yes.

11 A. City J -- City JF015152, JF015156, JF015153,
12 015155, and 015154.

13 Q. Apart from the general progress report, were
14 you sent any other documents?

15 A. No.

16 Q. Did you have any further conversations? You've
17 just testified about a conversation you had a week ago.
18 Have you had any other conversations with Mr. Starr
19 prior to your deposition today?

20 MR. STARR: Objection. Mischaracterizes
21 testimony.

22 THE WITNESS: No.

23 BY MS. BITOY:

24 Q. Okay. Just to be sure, you spoke to Mr. Starr
25 a week ago; is that correct?

1 A. Yes.

2 MR. STARR: Objection. Asked and answered.

3 BY MS. BITOY:

4 Q. Have you spoken to him at any other point from
5 between last week and your deposition today?

6 A. A couple of days ago.

7 Q. Okay. And was that another phone
8 conversation?

9 A. Yes.

10 Q. And was anyone else on the phone during that
11 conversation?

12 A. Yes, the private investigator.

13 Q. And how long was that conversation?

14 A. Probably a little under five minutes. It
15 wasn't -- it wasn't a long conversation at all.

16 Q. And what was discussed during that
17 conversation?

18 A. It was just about the Zoom meeting, and he
19 told me answer everything truthfully.

20 Q. Were you given any -- or were you told that
21 Mr. Fletcher was suing the City of Chicago?

22 A. Yes.

23 Q. Okay. And --

24 A. I think I knew that from the previous
25 attorney.

1 Q. And what previous attorney was that, that
2 you're referring to?

3 A. The one that I met at the breakfast
4 restaurant, Louie's.

5 Q. And I'm going to go into your -- so is that
6 Jennifer Blagg; is that who you're talking about?

7 A. Yes. Yes.

8 Q. I'm going to go into your conversations with
9 Jennifer Blagg. But in terms of your conversations with
10 Mr. Starr, did he tell you that Mr. Fletcher was suing
11 the City of Chicago?

12 A. I can't recall that, but I -- he could have.

13 Q. Did he tell you that Mr. Fletcher was suing
14 individual defendant police officers?

15 A. Yes.

16 Q. Did he tell you why Mr. Fletcher was suing the
17 City of Chicago and Police officers?

18 MR. STARR: Objection to form. Foundation.

19 THE WITNESS: I -- I don't -- I don't recall
20 him saying that -- why he was suing them.

21 BY MS. BITOY:

22 Q. Did Mr. Starr tell you that Mr. Fletcher was
23 wrongfully convicted?

24 A. That could have, yes.

25 Q. Did Mr. Starr tell you that Mr. Fletcher was

1 innocent?

2 A. He didn't presume innocent or -- or guilty. He
3 just we never went into that type of conversation.

4 Q. So he just told you that Mr. Fletcher was
5 wrongfully convicted?

6 MR. STARR: Objection. Mischaracterizes
7 testimony.

8 THE WITNESS: Right.

9 BY MS. BITOY:

10 Q. Did Mr. Starr tell you that Mr. Fletcher had
11 obtained a certificate of innocence?

12 A. No, I never knew that until now.

13 Q. Apart from Mr. Starr, have you spoken -- and
14 I'm excluding Jennifer Blagg, have you spoken to any
15 other attorney at Loevy & Loevy's office prior to your
16 deposition today?

17 A. No.

18 Q. Do you know someone named Anand Swaminathan?

19 A. No.

20 Q. Do you know someone named Maria Garcia?

21 A. No.

22 Q. Do you know anyone named Theresa Kleinhaus?

23 A. No.

24 Q. Danielle Hamilton?

25 A. No.

1 Q. I know that you said that you spoke to a
2 private investigator prior to your deposition today. Did
3 that prior -- did that private investigator give you any
4 details about Mr. Fletcher's lawsuit?

5 A. No, he just said I've been subpoenaed, and
6 that I would have to testify, so

7 Q. Were you -- I know we just -- Mr. Starr went
8 through your affidavit with you a little while ago. Did
9 you review your affidavit prior to your deposition
10 today?

11 A. No. I -- I didn't review that form. This the
12 only form that I have.

13 MR. STARR: Belated objection to form and
14 foundation, just to the extent that it's a
15 declaration, and not an affidavit. And I don't know
16 if that makes a difference.

17 BY MS. BITOY:

18 Q. Sure. So the handwritten declaration that you
19 just kind of went through with Mr. Starr, did you review
20 that at all prior to your deposition today?

21 A. No, I didn't.

22 Q. Did you review your criminal trial testimony
23 that you gave in 2005 prior to your deposition today?

24 A. No.

25 Q. Apart from the one general progress report

1 that you spoke about, were you shown or did you review
2 any other police reports?

3 A. No.

4 Q. Did Mr. Starr, or did anyone else show you any
5 photographs prior to your deposition today?

6 A. No.

7 Q. Have you seen any news articles relating to
8 Mr. Fletcher's case?

9 A. No.

10 Q. So I want to talk a little bit about your
11 criminal trial testimony that you gave in March of 2005,
12 okay?

13 A. Okay.

14 Q. You received a subpoena to testify in Mr.
15 Fletcher's criminal trial, correct?

16 A. Correct.

17 Q. Were you aware that Mr. Fletcher's defense
18 attorney had listed you as a witness in support of his
19 Defense?

20 MR. STARR: Objection. Foundation.

21 THE WITNESS: I'm -- I --

22 BY MS. BITOY:

23 Q. I'm sorry. Can you say that again?

24 A. I wasn't -- I was not aware of that.

25 Q. Did you meet with --

1 A. I -- I --

2 Q. Sorry, go ahead.

3 A. I -- I would not say that I was a witness of
4 his because he kind of badgered me in court. I don't --
5 I don't understand that if I was a witness of him, why
6 was he badgering me?

7 Q. So it's your testimony that Mr. Fletcher's
8 attorney was badgering you at court?

9 A. Yes.

10 Q. And in what way was he badgering you?

11 A. He kept asking the same question over again,
12 and I had responded on several occasions. And then the
13 judge finally came and said, look, he responded to that
14 question, you know, on several occasions now. There's
15 no need to ask it again. I can't remember what the
16 specific question was, but he kept going on and on with
17 that. So I never knew I was his witness, no.

18 Q. Okay. Did you ever meet with any of Mr.
19 Fletcher's Defense attorneys prior to testifying at
20 trial?

21 A. No.

22 Q. Did you ever meet with any private
23 investigator working on behalf of Mr. Fletcher prior to
24 testifying at trial?

25 A. Nobody but that lady up in -- in Louie's.

1 Q. Okay.

2 A. That -- well, that was after trial -- after
3 the trial.

4 Q. Okay. Did you meet with any assistant state's
5 attorneys prior to testifying at trial?

6 MR. STARR: Objection. Asked and answered.
7 BY MS. BITOY:

8 Q. Sorry. You can answer, sir.

9 A. No. I -- the only time I remember meeting
10 with the state's attorneys was at my house, and I
11 probably met with them when I was at the courthouse.

12 Q. Do you remember who or that state's attorney
13 was that you met at the courthouse?

14 MR. STARR: Objection.

15 THE WITNESS: No, I don't.

16 MR. STARR: Mischaracterizes --

17 THE WITNESS: No, I don't.

18 MR. STARR: -- his testimony.

19 BY MS. BITOY:

20 Q. Do you know if it was a man or a woman?

21 A. I think it was a woman. I'm -- I -- I can't
22 recall. It -- it's been a while.

23 Q. Do you know if it was the same prosecutor who
24 questioned you at trial?

25 A. I don't think it was. You mean the same

1 person -- I -- I -- wait a minute. You got me confused
2 on that question. Can you repeat that?

3 Q. Sure. So you said that you recall meeting
4 with a state's attorney at the courthouse prior to
5 testifying. And I'm just trying to understand if that
6 was the same prosecutor who questioned you on the stand,
7 or if this was a different prosecutor?

8 MR. STARR: Form. Foundation. Mischaracterizes
9 his testimony.

10 THE WITNESS: That could've been the same
11 prosecutor at the courthouse. I didn't see anyone
12 different.

13 BY MS. BITOY:

14 Q. Okay. So you only recall seeing one
15 prosecutor at the courthouse; is that right?

16 MR. STARR: Form. Foundation.

17 THE WITNESS: No, I was --

18 MR. STARR: Mischaracterizes his testimony.
19 Sorry, sir. Go ahead.

20 THE WITNESS: It was two. It was two at the
21 desk.

22 BY MS. BITOY:

23 Q. Two at the desk. Did you speak to more than
24 one prior to testifying?

25 A. No.

1 Q. And what did you say to the prosecutor, and
2 what did the prosecutor say to you?

3 A. I can't even remember the exact thing, but I -
4 - I think she just asked me was I ready to go. And I
5 was like, okay, let's get it over with.

6 Q. How long would you approximate that
7 conversation with the prosecutor was?

8 A. They met with us briefly. It couldn't have
9 been more than a minute or two.

10 Q. And just to be clear, was this prosecutor a
11 different prosecutor than the one that you spoke to at
12 your home in 2002?

13 MR. STARR: Objection. Asked and answered.

14 THE WITNESS: Yes.

15 BY MS. BITOY:

16 Q. And I think you testified previously that you
17 did not meet with any detectives prior to testifying at
18 trial; is that right?

19 MR. STARR: Objection.

20 THE WITNESS: That's correct.

21 BY MS. BITOY:

22 Q. During this minute or so conversation with the
23 state's attorney, did you express any concerns that you
24 were uncomfortable testifying?

25 A. No.

1 Q. Did you tell the state's attorney that you
2 believed that you had been manipulated, in any way, by
3 detectives?

4 MR. STARR: Objection. Calls for speculation.

5 THE WITNESS: No. I -- I -- I never discussed
6 that with them.

7 BY MS. BITOY:

8 Q. Did you tell the assistant state's attorney
9 that police officer had point -- strike that. Did you
10 tell the assistant state's attorney that police officers
11 had pointed out Mr. Fletcher to you prior to testifying?

12 MR. STARR: Objection. Speculation.

13 BY MS. BITOY:

14 Q. You may answer, sir.

15 A. No. I never felt the need since they have had
16 the state's attorney at my house. And, you know, I -- I
17 never felt the need to do that.

18 Q. And why didn't you feel the need to do that?

19 A. Because they came to my house. They pointed
20 him out in my house.

21 Q. So I'm talking about at the courthouse.
22 Before, you were testifying -- so I'm not talking about
23 the conversation in 2002. I'm discussing your
24 conversation with the prosecutor in 2005. Why did you
25 not find it necessary --

1 A. It --

2 Q. -- to tell the prosecutor --

3 A. -- it -- it -- it -- it never came up.

4 Q. And you never volunteered that information
5 either, is that also --

6 MR. STARR: Asked and answered.

7 THE WITNESS: No, I did not.

8 BY MS. BITOY:

9 Q. Okay. So I'd like to go through some of your
10 trial testimony. You were sworn under oath at the
11 criminal trial, correct?

12 A. Correct.

13 Q. And you testified truthfully; is that
14 accurate?

15 A. That's true.

16 Q. So I'm going to share my screen. Are you able
17 to see this, sir?

18 A. It's still buffering. Yes, I see it now.

19 Q. Okay. So this is the transcript of your
20 testimony at trial that you gave on February 23, 2005;
21 do you see that?

22 A. Yes, I see it.

23 Q. Okay. So I'd like to first ask you some
24 questions regarding the answers that you gave to the
25 assistant state's attorney when he was asking you

1 questions, okay?

2 A. Okay.

3 Q. And so Mr. Clarke is the assistant state's
4 attorney, and he asked you the following questions,
5 "Question, In this photo, could you identify" -- or,
6 "could you indicate where you saw the bread truck driver
7 when he fired the gun? Answer, he came out from his
8 side here and came right up over here. Question, he was
9 firing away from the bread truck, right? Answer, right."

10 A. Right. From the back of the --

11 Q. Right. "Question, Mr. Wade, you couldn't
12 tell exactly who he was shooting at, right? Answer,
13 no." So based on the questioning that the state's
14 attorney asked you, you testified that you could not
15 identify who the bread truck driver, Mr. Cooper, was
16 shooting at, correct?

17 A. That's correct. That's what I stated today
18 also.

19 Q. And that was truthful testimony, correct?

20 A. That's truthful.

21 MS. BITOY: Okay. So I'm going to start here
22 at the bottom of page -- and just for the record, I
23 don't think I've mentioned this, but we'll say this
24 is -- Sean, did you mark the Criminal Trials
25 Transcript as an Exhibit --

1 MR. STARR: I didn't. No, I didn't use it.

2 MS. BITOY: Okay.

3 MR. STARR: No.

4 MS. BITOY: So I'll mark this then as Defense
5 Exhibit 1. And this is Bates stamped Fletcher 988
6 through 1009, for the record.

7 (DEFENSE EXHIBIT 1 MARKED FOR IDENTIFICATION)

8 BY MS. BITOY:

9 Q. And so at this point, we're on Page Bates
10 stamped Fletcher 999. And I'm starting at the bottom of
11 the page, line 21, here. And you were asked the
12 following question, sir, "Question, Mr. Wade, the other
13 two men that ran past your van, had you seen them again
14 when the police arrived?" And you said, "Answer, no.
15 Like I said, I don't know if those two men, you know,
16 who I could have saw. I saw two, a couple of
17 individuals running with hoodies on, but I never said
18 they was offenders. I never said I saw any guns in
19 their hands."

20 A. True.

21 Q. Sorry, I -- "Question, you never saw those two
22 again after they ran past you? Answer, no. Question,
23 Mr. Wade, were you able to identify anyone to the police
24 regarding those two individuals? Answer, no." And so,
25 my question is, you testified under the state's

1 attorney's questioning that you could not implicate
2 Mr. Fletcher as being involved in the crime; is that
3 accurate?

4 A. That's correct.

5 MR. STARR: Objection. Form.

6 BY MS. BITOY:

7 Q. And that was accurate -- that was truthful
8 testimony?

9 A. Correct.

10 Q. All right. So I'd like to now focus on some
11 answers that you gave in response to Mr. Fletcher's
12 defense attorney, okay?

13 MR. STARR: And Jennifer, when you are done
14 with this exhibit, if we could take a short break --

15 MS. BITOY: Yeah.

16 MR. STARR: -- I'd appreciate it.

17 MS. BITOY: Yeah. Of course.

18 BY MS. BITOY:

19 Q. Okay. So Mr. Hill, which is Mr. Fletcher's
20 Defense attorney, asked you the following questions
21 starting on line 6. "Question, Mr. Hill, Your Honor, we
22 don't have" -- sorry. Hold on a moment. On the wrong
23 page. Sorry. All right. So Mr. Hill, Mr. Fletcher's
24 Defense attorney asked you the following questions,
25 "Question, Mister -"

1 MR. STARR: What page is this? I'm sorry. You
2 just --

3 MS. BITOY: Yes. This is Fletcher Bates
4 stamped 1002.

5 MR. STARR: Thank you.

6 MS. BITOY: Sure. And I'm starting on line 6.

7 BY MS. BITOY:

8 Q. You were asked the following questions,
9 "Question, Mr. Wade, you indicated that you saw two
10 individuals with hoodies running in the vicinity of
11 Madison and Central on December 21st; is that correct?
12 Answer, correct. Question, you don't see in this
13 courtroom either of those individuals who you saw
14 running with hoodies in the vicinity of Madison and
15 Central on December 21, 1990; is that correct?" Your
16 answer is, "That is correct. I also never said it was
17 two individuals. I keep hearing two individuals. I
18 never said how many individuals that was running. It
19 could have been three. I initially thought it was
20 three, you know, but it was a group of people out there,
21 more than 15, 20 people, on the corner. People
22 scattered everywhere. No, I can't say it was two
23 individuals. I wasn't trying to see that. I was trying
24 to get out of my van." And so I just want to be clear
25 here. Mr. Fletcher's attorney specifically asked you

1 whether you could identify Mr. Fletcher in the
2 courtroom, and you said no, that you could not; is that
3 accurate?

4 MR. STARR: Objection. Form.

5 THE WITNESS: That's correct.

6 BY MS. BITOY:

7 Q. And was that truthful testimony?

8 A. Truthful.

9 Q. Okay. On page -- this is, for the record,
10 Bates stamped Fletcher 1003, and I'm starting on line
11 17. Mr. Wade, you were asked the following questions,
12 "Question, Mr. Wade, the police detectives, did they
13 ever, in fact, come and visit you with respect to this
14 case after December 21, 1990? Answer, 12 years later,
15 2002. Question, do you remember what month in 2002 the
16 detectives came and visited you? Answer, I think it was
17 around March. Question, do you remember which
18 detectives came to visit you around March of 2002?
19 Answer, no. Question, where did they come to visit you?
20 Answer, at my home. Question, who else was there at
21 your home when they came to visit you? Answer, my wife.
22 Question, was she there when the officers talked to you?
23 Answer, yes, she was. Question, when the officers came
24 to visit you at that time, did they have anything for
25 you to view? Answer, they had pictures. Question, could

1 you describe the pictures that they had, Mr. Wade?

2 Answer, it was, I think, a couple of 5x7s, something
3 like that." And so, under questioning by Mr. Fletcher's
4 Defense attorney, you said that the police had shown you
5 multiple photographs; is that right?

6 MR. STARR: Asked and answered.

7 BY MS. BITOY:

8 Q. Is that accurate, sir, that you testified at
9 trial that you -- that the police officers had shown you
10 multiple photographs?

11 MR. STARR: Form. Asked and answered.

12 THE WITNESS: They --

13 BY MS. BITOY:

14 Q. I'm sorry, sir, I couldn't hear. You were cut
15 off. Please say that again.

16 A. They -- they have photographs.

17 Q. They had photographs, plural, correct?

18 MR. STARR: Form. Asked and answered.

19 THE WITNESS: Right.

20 BY MS. BITOY:

21 Q. Okay. You were then further asked -- I'm
22 still on Fletcher 1004 now, for the record. I'm
23 starting on line 19. You asked the following questions,
24 "Mr. Wade, I'm going to show you what's been previously
25 marked as People's Group Exhibit 14. I would ask you to

1 look at that. Let me spread it out for you. I ask you,
2 Mr. Wade, does this look like the photos that the police
3 showed you in March of 2002 when they came to visit
4 you?" Your answer, "Similar. Question, were you able to
5 identify anyone who was at Madison and Central on
6 December 21, 1990, out of these photographs? Answer,
7 no." So it's true that, at trial, under Mr. Fletcher's
8 Defense attorney's questions, you testified that you
9 could not identify Mr. Fletcher from a photo array; is
10 that accurate?

11 MR. STARR: Form. Foundation. Mischaracterizes
12 his prior testimony. Asked and answered. You can
13 answer.

14 THE WITNESS: Correct.

15 BY MS. BITOY:

16 Q. And you did not testify that you were only
17 shown one photograph or that the police told you to pick
18 out one photograph from that photo array; is that
19 accurate?

20 A. No. What I testified to was that they made it
21 -- how can I put it? They looked at his photograph more
22 than any others.

23 Q. Correct. I'm just saying you did not testify
24 to that in 2005, under oath, when you gave your trial
25 testimony, correct?

1 A. No.

2 Q. And then I'm just going to ask you one more
3 question here. For reference, I'm at Fletcher 1009. And
4 this is, again, questioning by Mr. Hill. He asks you,
5 "Question, at the time of the crime, do you remember
6 indicating to the police that you might be able to
7 identify the suspect?" And you answered "No," correct?

8 MR. STARR: Did we lose him?

9 MS. BITOY: I think so. I don't think see him.

10 MR. STARR: Okay.

11 THE REPORTER: Okay. He just entered the
12 waiting room.

13 MS. BITOY: Okay.

14 THE WITNESS: Hello?

15 MS. BITOY: We can hear you. Can you hear me?

16 THE WITNESS: Okay. Yes.

17 BY MS. BITOY:

18 Q. Okay. So I -- for the record, I'm at Bates
19 stamp Fletcher 1009. And my question was: Sir, you were
20 asked the following questions by Mr. Fletcher's defense
21 attorney. "Question, at the time of the crime, do you
22 remember indicating to the police that you might be able
23 to identify the suspects?" And you answered "No,"
24 correct?

25 A. That's correct.

Q. Is that truthful?

A. That's truthful.

Q. Okay. So I want to switch gears, and talk a little bit about your interactions with the police related to the armed robbery and the shooting, okay?

A. Uh-huh.

Q. You were interviewed either the day of or a few days after the shooting, correct?

A. Right.

Q. And do you recall the detective that you spoke to at the station?

MR. STARR: Asked and answered.

THE WITNESS: I can't recall.

BY MS. BITOY:

Q. Does the name Detective Michael Fleming ring any bells to you?

A. No. I -- I can't recall that.

Q. Okay. And you told the police that you weren't able to see the faces of any of the suspects running past or van, correct?

A. That's correct.

MR. STARR: Objection. Asked and answered.

BY MS. BITOY:

Q. And you also testified consistently to -- with that at Mr. Fletcher's criminal trial, right?

1 A. Correct.

2 MR. STARR: Answered.

3 BY MS. BITOY:

4 Q. And then you said -- you testified that 12
5 years later, you were re-approached by detectives
6 regarding this case; is that accurate?

7 A. That's accurate.

8 Q. Okay. And you couldn't recall, I think,
9 exactly what time it was. But if I told you it was
10 around March, does that sound accurate to you or no?

11 A. I don't -- I can't recall. I thought it was
12 closer to fall, but it could be.

13 Q. Okay. Do you remember what time -- well, how
14 many officers came to your home the first time?

15 MR. STARR: Asked and answered.

16 THE WITNESS: Two.

17 BY MS. BITOY:

18 Q. Do you remember what time they came to your
19 home?

20 A. It was in the evening, because it was dark.

21 Q. And was anyone else home at the time?

22 A. My wife.

23 Q. Did the officers come into your house at that
24 time?

25 A. No.

1 Q. And I know you sort of gave descriptions, but
2 I'm just going to ask him a couple of names and see if
3 you recognize any of these names. Jerome Bogucki. Have
4 you ever heard that name before?

5 A. Don't recall it.

6 Q. Okay. What about Raymond Schalk? Does that
7 name ring any bells?

8 A. No.

9 Q. And so, when the police officers first came to
10 your home in 2002, what did they say to you, and what
11 did they -- you say to them?

12 MR. STARR: Asked and answered.

13 BY MS. BITOY:

14 Q. Sorry. You can answer, sir.

15 A. They -- they -- they told me they had a
16 suspect in custody, and they will be back with the
17 state's attorney. They will set up a meeting with her.

18 Q. Okay. Where did this conversation occur? Was
19 it outside?

20 A. It was in my door -- door well.

21 Q. So did they knock on your door?

22 A. Yes.

23 Q. And how long were they at your home?

24 A. The first night, it couldn't have been no
25 longer than a couple of minutes. I think they just gave

1 me their card and told me they would be in touch with me
2 to set up the interview.

3 Q. Were you shown any photographs at that time?

4 A. No.

5 Q. And then you testified that the same officers
6 came back a second time with an assistant state's
7 attorney; is that accurate?

8 A. That's correct.

9 Q. Do you remember how much time elapsed from the
10 first meeting to the second meeting?

11 A. No, I don't recall it, but it was -- it was
12 close.

13 Q. And do you recall what time they -- or, strike
14 that. The two detectives and the state's attorney came
15 back that second time?

16 A. It was also in the evening time. It was dark.

17 Q. And was anyone else home at that time?

18 A. My wife.

19 Q. And what's your wife's name? Or what --

20 A. Denise Wade.

21 Q. Sorry, say her last name again?

22 A. Wade. W-A-D-E.

23 Q. And is she -- has she passed; is that
24 accurate?

25 A. Yes. Yes.

1 Q. Do you recall the name of the state's attorney
2 who came?

3 A. No, I don't.

4 MR. STARR: Asked and answered.

5 BY MS. BITOY:

6 Q. Have you heard of the name Jennifer Walker?
7 Does that sound familiar to you?

8 A. No.

9 Q. So did the officers actually come into your
10 home this time?

11 A. Yes.

12 Q. And where did this interview take place?

13 A. In my living room.

14 Q. And was your wife actually sitting along with
15 you during the interview?

16 A. I think she actually was sitting in the
17 kitchen. I'm not for sure.

18 Q. Was anyone else --

19 A. I know -- I know I was sitting on the couch
20 with the two officers, and the state's attorney was
21 sitting in my chair across from us.

22 Q. Was anyone else home, or present for this
23 interview?

24 A. No. Well, my uncle, but you know, my uncle
25 stayed with me all his life up until his death. But he

1 was in his room. So no, he wasn't present.

2 Q. What do you recall officer saying to you, and
3 what did you say in response?

4 MR. STARR: Asked and answered.

5 BY MS. BITOY:

6 Q. You can answer, sir.

7 A. Okay. They came in. They -- like I said,
8 they said they had a suspect in custody. They said his
9 name. They -- they said he was a bad guy, and they
10 wanted to keep him off the street.

11 Q. Did you observe any officer taking any notes
12 during your conversation with them?

13 A. They weren't taking notes. The state's
14 attorney was taking notes.

15 Q. Did you tell officers when they came to your
16 home in 2002 that on December 21, 1990, you parked your
17 van on the south side of Madison Street, and that there
18 was one car parked between your van and the bread truck?

19 MR. STARR: Objection. Asked and answered.

20 BY MS. BITOY:

21 Q. You can answer, sir.

22 A. I -- I -- I don't remember whether it was one
23 or two cars, but I do remember it's -- it was some cars
24 in front of me.

25 Q. Would you have shared that information with

1 officers when they came to your home in 2002?

2 A. I don't recall sharing that with them.

3 Q. Do you have any reason to dispute that you
4 would've told them that information?

5 A. No, I don't.

6 Q. Is that information accurate?

7 A. It was -- like I said, it was probably one or
8 two cars. I think it was two cars because I'm familiar
9 with that area. And where I was sitting was, like, a
10 couple of doors down from Uncle Remus Chicken Shack. So
11 it -- it had to be a couple of cars back.

12 Q. Okay. Did you tell police officers when they
13 came to your home in 2002 that you were waiting for your
14 wife and for your uncle at the time prior to the
15 shooting?

16 THE WITNESS: My fiance is trying to call me,
17 but I'm trying not to answer.

18 MR. STARR: Do you need to take a break, sir?

19 MS. BITOY: Yeah. We can certainly take a
20 break.

21 THE WITNESS: Yeah. Okay. Yes. Can I answer
22 her?

23 MS. BITOY: Yeah. Do you want to take a --
24 like, a five-minute break, ten-minute break. What -
25 -

1 THE REPORTER: I'll go off the record. We're
2 going off. The time is 11:38 a.m.

3 (OFF THE RECORD)

4 THE REPORTER: We are back on the record for
5 the deposition of Emmett Wade. My name is Lucy
6 Gough. Today is November 11, 2023, and the current
7 time is 11:54 a.m.

8 BY MS. BITOY:

9 Q. Okay. Mr. Wade, shortly before the break, we
10 were discussing conversations that you had with officers
11 who came to your home in 2002. Do you recall that?

12 A. Yes.

13 Q. Okay. Did you tell officers when they came to
14 your home in 2002 that you're waiting for your wife and
15 your uncle in your car shortly before the shooting?

16 A. Yes, yes.

17 Q. And that was accurate, correct?

18 A. That's accurate, yes.

19 Q. Did you tell police that Mr. Cooper came out
20 of the truck, and fired his gun at male blacks?

21 A. Yes.

22 Q. And was that accurate?

23 A. Yes.

24 Q. Okay. Could you tell police that these black
25 males were shooting their guns at Mr. Cooper?

1 A. The Holsum truck driver fired two shots first.
2 They returned fire somewhere down in the middle of that
3 block. And -- and when they returned fire, this is how
4 I know Cooper didn't hit him, hit Willie, that's when he
5 came out of the store, and was hit. And I saw him
6 because at that time I was crawling over the seat to get
7 out the passenger side door, because I really wanted to
8 confront Cooper.

9 Q. Okay. So my question is just to say, did you
10 tell officers that you observed some black males
11 shooting at Mr. Cooper?

12 MR. STARR: Objection, asked and answered.

13 THE WITNESS: I don't recall saying black
14 males. I -- I said I saw three individuals running,
15 you know, from my peripheral vision, you know, on
16 the side of my car.

17 BY MS. BITOY:

18 Q. Okay. Did you tell officers that you saw the
19 victim, Mr. Sorrell, fall to the ground outside of a
20 liquor store?

21 A. Yes, I did. I saw him fall as I was getting
22 out the side of the car.

23 Q. And did you also tell officers when they came
24 to your home in 2002 that you could not see the faces of
25 the offenders?

1 MR. STARR: Asked and answered.

2 THE WITNESS: Correct.

3 BY MS. BITOY:

4 Q. And we already established that you testified
5 consistently with that at Mr. Fletcher's criminal trial,
6 correct?

7 MR. STARR: Asked and answered.

8 THE WITNESS: Correct.

9 BY MS. BITOY:

10 Q. At what point during the interview did the
11 officers show you photographs?

12 A. Right away.

13 Q. So was this --

14 A. After they -- after they sat down at my home,
15 they pulled out the -- they had a black notepad that
16 they pulled out, and they had the pictures in there.

17 Q. So was this after you gave them an account of
18 what happened, or was this before you gave them an
19 account of what happened?

20 MR. STARR: Asked and answered.

21 BY MS. BITOY:

22 Q. You can answer, sir.

23 A. Before.

24 Q. And I think you testified that it was the
25 police officer with -- who was bald that showed you the

1 photographs; is that accurate?

2 A. Yes.

3 MR. STARR: Asked and answered.

4 BY MS. BITOY:

5 Q. Do you remember what format the photograph was
6 in? Was it a printout, like a --

7 A. Printout.

8 Q. And do you recall how big the photograph was?

9 MR. STARR: Objection.

10 THE WITNESS: They say it's a 5x7, but that's -
11 - that's kind of big. It was -- I don't know, like
12 a -- a little bit bigger than a wallet in size.

13 BY MS. BITOY:

14 Q. Was it a color photograph or was it in black
15 and white?

16 A. I want to say it could've been color.

17 Q. And you said photographs. Do you know how
18 many photographs you were shown?

19 MR. STARR: Asked and answered.

20 THE WITNESS: I don't recall it.

21 BY MS. BITOY:

22 Q. Do you recall if there was any writing on the
23 photographs that you observed?

24 A. I think it was in the form of Department of
25 Corrections.

1 Q. Do you know if any of the writing indicated
2 anything about the individual in the photo, so like
3 height, weight, anything like that?

4 A. I didn't look at anything like that. Any
5 writing that was under the picture, I really didn't pay
6 attention to.

7 Q. Do you remember anything about the other
8 photographs that you were shown, besides the photograph
9 that you identified as being Mr. Fletcher, who is the
10 Plaintiff in this case?

11 A. No. It's like -- the photographs weren't
12 shown like that.

13 MR. STARR: You're breaking up. Could you say
14 -- could you say that again, sir?

15 THE WITNESS: I said that the -- the other
16 photographs that they had, they did not show them
17 like they showed James Fletcher photograph.

18 BY MS. BITOY:

19 Q. So how did they show you those photographs?

20 A. They went through them real quick and then
21 they said, this is the guy we have, meaning Fletcher.

22 Q. Did the assistant state's attorney say
23 anything during this time?

24 MR. STARR: Objection. Asked and answered.

25 THE WITNESS: No.

1 BY MS. BITOY:

2 Q. Did you express any concerns to the State's
3 attorney or the officers that you thought you were being
4 manipulated to identify Mr. Fletcher?

5 MR. STARR: Form. Foundation. Asked and
6 answered.

7 THE WITNESS: No.

8 BY MS. BITOY:

9 Q. And how long were the officers at your home
10 during the second meeting?

11 MR. STARR: Asked and answered.

12 BY MS. BITOY:

13 Q. Sorry, you can answer, sir.

14 A. Half an hour or less.

15 Q. Okay. So I just want to show you a
16 supplementary report quickly. I know that you said that
17 you had one supplementary report from 1990 that you had
18 received; is that right?

19 A. Yes.

20 Q. Okay. I'd like to show you the supplementary
21 report from your 2002 interview with officers, okay?

22 A. Okay.

23 Q. Can you see my screen, sir?

24 A. I can see it -- I -- but I -- you know, like I
25 said, I can't read the small print.

1 Q. Is that a little bit better?

2 A. It's a little bit better, but --

3 Q. Is that better?

4 A. Yes.

5 MS. BITOY: Okay. So just for reference, this
6 is -- I'll mark this as Defense Exhibit 2. And this
7 is Bates stamped IND DEF 481 through 489.

8 (DEFENSE EXHIBIT 2 MARKED FOR IDENTIFICATION)

9 BY MS. BITOY:

10 Q. And so, sir, this is the supplementary report
11 that officers completed in relation to your 2002
12 interview. And I just want to read through what they
13 noted in terms of their interview with you, okay? Okay.

14 A. Okay.

15 Q. Sure. I'm starting on the bottom of Page 7 of
16 9 IND DEF 487. It says, "Emmett Wade: He
17 stated that on December 21, 1990, he had parked his van
18 on the south side of Madison Street. There was one car
19 parked between his van and the bread truck. He was
20 waiting for his wife who had gone to the shoe store, and
21 for his uncle who had gone to a chiropractor's office.
22 Wade was reading a newspaper when he noticed three M/Bs
23 running in his street near his van. At least two of
24 those subjects were carrying handguns. The bread truck
25 driver came out of the truck and fired a handgun at the"

1 --

2 A. Can -- can --

3 Q. I'm sorry, go ahead.

4 A. That's not correct. I never said I saw
5 handguns.

6 Q. Okay. So we'll get to that. I'm just going
7 to read through it, okay?

8 A. Uh-huh.

9 Q. "Wade believed that the bread truck driver had
10 fired first, but he was not certain. Wade saw the
11 victim, who had just come out of the liquor store, fall
12 to the ground. The M/Bs continued running south
13 westbound on Madison, followed by the driver. Wade did
14 not see where they went. Wade ran up to the victim and
15 could see that he had been shot. He told the victim not
16 to move. Wade stated that he did not see the faces of
17 the offenders. He further stated that the bread truck
18 driver was not shooting in the direction of the victim.
19 He stated that the victim had to have been shot by the
20 offenders." Did you see that, sir?

21 A. Yes.

22 Q. Okay. And is there any --

23 A. But some of -- some of that statement is
24 wrong.

25 Q. Yes. Can you please identify for me what's

1 wrong?

2 MR. STARR: Objection to form.

3 THE WITNESS: First of all --

4 MR. STARR: You can answer.

5 THE WITNESS: Okay. First of all, they said
6 that I saw offenders with two handguns. I never
7 told them I saw them with two handguns. Second of
8 all, I'm sure, it's -- there's no doubt in my mind
9 that Cooper shot twice first, before the shots came
10 from them. So no, I -- I -- I never said to them I
11 wasn't sure who shot first. Never said that.

12 BY MS. BITOY:

13 Q. Okay. Did you tell officers that you could
14 not see the faces of the offenders?

15 A. Yes, I did.

16 Q. Okay. And you also testified consistently
17 with that at your criminal -- at the criminal trial,
18 correct?

19 A. Correct.

20 Q. Okay. All right. So I'd like to go through
21 your declaration again, and ask you some questions about
22 that, okay?

23 A. Okay.

24 Q. Can you see -- can you see my screen?

25 A. Yes, I can see it.

1 Q. So your declaration was taken by Jennifer
2 Blagg. When is the very first time that you spoke to
3 Jennifer Blagg?

4 A. I can't recall the first time I ever spoke to
5 her.

6 Q. How many times have you spoken to her?

7 A. Several.

8 Q. Was it more than three?

9 A. Could have been, yes.

10 Q. Was it more than five?

11 A. Too long ago, I -- I can't recall that.

12 Q. What do you recall about the very first
13 interaction that you had with Ms. Blagg?

14 A. At Louie's, she came to take this statement,
15 you know, at -- at the restaurant.

16 Q. Was that the very first time that you met with
17 Ms. Blagg?

18 A. Yes.

19 Q. Was that the very first time that you spoke to
20 her?

21 A. No.

22 Q. So when's the very first time that you spoke
23 to her?

24 A. I -- I -- like I said, I cannot remember the
25 first time, but I knew before that meeting, we had spoke

1 at least a couple of times, because she set up the
2 meeting, I didn't.

3 Q. And I know that you said a couple of times.
4 Would those have been phone conversations?

5 A. Yes.

6 Q. And what was said during the first phone
7 conversation, if you can recall?

8 A. That she would've liked to come and interview
9 -- interview me about the case.

10 Q. Did she say anything else?

11 A. Pretty much, no. She asked that -- what's a
12 good time she could set up the meeting, and she would
13 come to me, instead of I have to come down there
14 downtown, or wherever they was located.

15 Q. Did she give you any information about
16 Mr. Fletcher's case?

17 A. Not at that point.

18 Q. The second -- do you recall what -- strike
19 that. Do you recall the second contact that you would
20 have had with Ms. Blagg?

21 A. It probably was the meeting, the setup of the
22 meeting when she took whatever she needed to take.

23 Q. Okay. So was that another phone conversation?

24 A. Yes.

25 Q. And what was discussed during that phone

1 conversation?

2 A. I guess, where can we meet, and I think I
3 picked Louie's.

4 Q. Was anyone else on the phone throughout --
5 during these two conversations?

6 A. I -- I don't -- if it was, I don't recall.

7 Q. Did Ms. Blagg send you any letters, or any
8 documents prior to meeting with her?

9 A. No.

10 Q. Did she send you any e-mails?

11 A. No.

12 Q. So you met with Ms. Blagg at Louie's Grill in
13 Forest Park on March 16, 2012; is that right?

14 A. That's correct. I don't remember the dates,
15 but that should be correct.

16 Q. And did you know when you were going to meet
17 her that you would be filling out this declaration?

18 A. I knew she would be taking some notes. I
19 didn't know it would be a declaration.

20 Q. How did the subject of filling out this
21 declaration come about?

22 MR. STARR: Objection to form.

23 THE WITNESS: I don't know.

24 BY MS. BITOY:

25 Q. Did she ask you if you would be willing to

1 fill out a declaration on behalf of Mr. Fletcher?

2 A. I don't recall.

3 Q. Did you state that you would be willing, or
4 that -- to fill out a declaration on behalf of
5 Mr. Fletcher?

6 MR. STARR: Objection to form. Foundation.
7 Asked and answered.

8 THE WITNESS: What I said --

9 MR. STARR: Go ahead, sir. Sorry.

10 THE WITNESS: What I said was, you know, I can
11 give my statement on what I saw and, you know, what
12 happened at -- at the scene.

13 BY MS. BITOY:

14 Q. And did you say that you would be agreeing --
15 that you would agree to put that in writing?

16 MR. STARR: Asked and answered.

17 THE WITNESS: I never agreed with anything to
18 put it in, you know, for people to put it in
19 writing. I don't -- I don't remember that.

20 BY MS. BITOY:

21 Q. Did you have any understanding as to why you
22 would be drafting this declaration?

23 A. Yes. I had -- she told me at that time she
24 believed he was wrongly convicted.

25 Q. And did she tell you why she believed he was

1 **wrongly convicted?**

2 A. No, she didn't get into the details.

3 Q. Did she ask you, or were you told that filling
4 out this declaration would be helpful to Mr. Fletcher's
5 case?

6 A. No, she never said that.

7 Q. Did you have lunch with Ms. Blagg at Louie's
8 Grill?

9 A. We had breakfast.

10 Q. And who else was present?

11 A. It was her.

12 Q. So Mr. Fletcher, Sr. wasn't present?

13 A. I can't recall was he -- I met with
14 Mr. Fletcher, I think, after that meeting. Because he
15 found me -- well, it could've been before that meeting,
16 because Mr. Fletcher went to my brother's house, and
17 that's how I got introduced to Mr. Fletcher.

18 Q. So you can't recall one way or the other
19 whether Mr. Fletcher, Sr. was present at this meeting at
20 Louie's?

21 A. No. No.

22 Q. Did Ms. Blagg bring this -- the declaration
23 form with her to Louie's?

24 MR. STARR: Form. Foundation.

25 THE WITNESS: See, I -- up until now, I never

1 knew what a declaration form was, so I -- I really
2 don't -- didn't know what she was filling out.

3 BY MS. BITOY:

4 Q. So I guess my question is, I -- let me show
5 you this exhibit again. Sir, is this your handwriting?

6 A. Can you blow it up a little bit? That look --
7 from my handwriting.

8 Q. I'm sorry. You cut -- you cut off.

9 A. I'm not sure, because I really can't see it.
10 Like I need to see it, so I don't -- I don't want to
11 answer that.

12 Q. Okay. If I blow it up a little bit more, is -
13 - are you able to see it now any better?

14 A. That's not my handwriting.

15 Q. This is not your handwriting?

16 A. Now, the initials, the initials might be mine.
17 That look more like my handwriting, the EW and --

18 Q. Okay. So fair to say you don't recall writing
19 out a six-page declaration; is that right?

20 A. No -- no, I -- I -- no, I definitely didn't
21 write out a six-page declaration.

22 Q. Okay, okay. So during your meeting with
23 Ms. Blagg at Louie's Grill, was she writing out while
24 she was -- did you see her writing anything while she
25 was talking to you?

1 A. Yeah, she -- she was definitely writing while
2 we was talking.

3 MR. STARR: I'm just going to -- I'm just going
4 to object to note for the record that it's
5 technically five pages. There's the duplicate page
6 that I identified earlier.

7 MS. BITOY: Okay, understood.

8 BY MS. BITOY:

9 Q. Okay. So was -- do you recall going over a
10 declaration with Ms. Blagg at Louie's Grill on
11 March 16, 2012?

12 MR. STARR: Asked and answered.

13 THE WITNESS: I --

14 BY MS. BITOY:

15 Q. Okay. Do you see that your initials or notice
16 -- or as described on this photo, or on this document,
17 do you remember when you would have done that?

18 A. The only thing -- thing I would do is -- is
19 she telling me to initial something because she had to
20 correct something. That's -- that's all I remember
21 about that.

22 Q. Okay, sir, have you ever reviewed this
23 document in full?

24 A. No.

25 MR. STARR: Objection. Asked and answered.

1 BY MS. BITOY:

2 Q. So you've never actually gone through every
3 single page of your declaration; is that accurate?

4 MR. STARR: Asked and answered.

5 THE WITNESS: Not of -- not of hers.

6 BY MS. BITOY:

7 Q. Okay. Did you go over what Ms. Blagg was
8 going to be putting into this declaration prior to it
9 being drafted?

10 MR. STARR: Asked and answered.

11 THE WITNESS: No.

12 BY MS. BITOY:

13 Q. Did Ms. Blagg ask you if police had shown you
14 any photos of Mr. Fletcher in 2002?

15 A. She could have.

16 Q. Did she bring any photographs with her to
17 Louie's Grill?

18 THE WITNESS: Not that I recall.

19 BY MS. BITOY:

20 Q. Did she bring any documents for you to review
21 with her at Louie's Grill?

22 A. Only -- only thing I saw is what -- what she
23 was writing in -- in her folder.

24 Q. I'm sorry, what she was writing in her folder;
25 is that what you said?

1 A. Yeah. She had like a black booklet that, you
2 know, she was carrying.

3 Q. Did Ms. Blagg ever tell you anything about the
4 police officers who were involved in investigating the
5 Sorrell murder?

6 A. No.

7 Q. How long was this meeting with Ms. Blagg?

8 A. Probably an hour.

9 Q. Okay. So I'm going to go through some
10 portions of this declaration with you and ask you some
11 questions about it, okay?

12 A. Okay.

13 Q. Well, starting on Page 3 of 6 of the
14 declaration and just for reference, this is, I think the
15 version that I'm using might be different than the one
16 that you used, Sean, but this is CCSAO-CIU 154, and this
17 is Page 3 of 6. And at the top here, you say -- well,
18 actually, no. Let's go up one page. I'm going to start
19 at the bottom of Page 2 of 6. You said -- and this is
20 at this point, you're discussing when officers came to
21 your home in 2002, and you say, "He said this is the guy
22 we have in custody. He is a bad guy. We want to keep
23 him off the street. They let me know he was in jail and
24 they didn't want him to get out. They said if he got
25 convicted on this case, he would be in for life. The

1 lady attorney agreed that he was a bad guy, and that he
2 did this type of thing. They were confident that the
3 man in the picture was the man who had committed the
4 crime. I was not confident and I told them that I would
5 not say it was him." Do you see that?

6 MR. STARR: I'm just going to --

7 THE WITNESS: Yes.

8 MR. STARR: I think it says they seem
9 confident, but just for clarification.

10 MS. BITOY: Sure.

11 BY MS. BITOY:

12 Q. Did you -- do you see that though, in your
13 declaration, sir?

14 A. Yes. Yes.

15 Q. Did you -- did you tell that information to
16 Ms. Blagg when you met with her at Louie's Grill?

17 A. Yeah, that's something I would've told her
18 because that's me, word-for-word.

19 Q. Okay. Did the officers ever tell you why they
20 thought Mr. Fletcher was a bad guy?

21 A. No, they never did.

22 Q. Did they tell you what he was in prison for?

23 A. No, they didn't.

24 MR. STARR: Objection. Mischaracterizes
25 testimony.

1 BY MS. BITOY:

2 Q. So they didn't tell you what he was in prison
3 for; is that accurate, sir?

4 A. Right, because what he was in prison for had
5 nothing to do with this case, what I gathered, back
6 then.

7 Q. Okay. I'm going to scroll down a little bit.
8 Same page here. Starting -- let me see if I can
9 highlight this. Do you see my cursor, sir, moving on
10 the screen?

11 A. I -- I see your cursor, but I can't see the --
12 the writing.

13 Q. Okay. I'll try and zoom in a little bit.
14 Okay, starting here, they -- you say, "They told me when
15 they were trying to get me to say that the man in the
16 photo did it, that they had a woman in custody who saw
17 everything that would identify the man. It seemed that
18 they were using that to persuade me it was the man in
19 the photo and I should ID him. I asked the men who the
20 man in the picture was and they told me Fletcher." My
21 question is, did police officers ever tell you who --
22 the identity of this woman who could identify Fletcher?

23 MR. STARR: Asked and answered.

24 THE WITNESS: I never --

25 MR. STARR: Go ahead.

THE WITNESS: Never knew the identity of her
and I never saw her until I was in the court -- in
the courtroom.

BY MS. BITOY:

Q. Have you ever heard the name Shenee Friend?

A. I might have heard it, you know, during court,
but I don't remember. I don't recall.

Q. Okay. Had you ever met this woman prior to
seeing her in court?

A. Never met any of them.

Q. Okay. I am going to move on to -- this is
Page 4 of 6 now. I'm going to start in the -- on this
second paragraph here. "I went to Court and spoke to
prosecutor briefly. The day the day of the trial sat me
down with Cooper. I started chatting with Cooper. The
state's attorney came over and asked me if I was going
to be a State witness. I said, 'I'm not anybody's
witness.' Before I went to sit with Cooper, I was
sitting on the Court -- in the courtroom. You could see
in the lockup when they opened the doors. Once they
opened the door and I saw a woman crying. She looked
like she didn't want to be there. I knew she was the
woman that they had in custody that they told me about
before." How did you -- and my question I guess is, how
did you know that this was a woman that police officers

1 had told you about before?

2 MR. STARR: Asked and answered.

3 THE WITNESS: Because --

4 MR. STARR: Go ahead.

5 THE WITNESS: Whatever she's -- she was
6 speaking on the case to whatever prosecutor she was
7 speaking to. She -- she -- I -- what I remember
8 vaguely was her saying is that she never identified
9 Fletcher as the shooter, and -- and she didn't
10 understand why she was there.

11 BY MS. BITOY:

12 Q. Okay. And you heard her saying that, that's
13 that -- that's what --

14 A. Yes, yes, yes. She was crying while she was
15 talking.

16 Q. And then you say, "I had been to court a
17 couple of times before, and they were not able to locate
18 her." How many times had you been to court prior to you
19 testifying?

20 A. I think it was twice we had been to court. I'm
21 not for sure. Don't take my word on that, though.

22 Q. And do you recall speaking to anyone during
23 those two times?

24 A. No, it was -- it -- it -- the trial got, what
25 you call it, postponed to a later date.

1 Q. And you said that they were not able to locate
2 her. Where are you getting that information from that
3 you knew that?

4 A. I think the state's attorney was saying they
5 was looking for another witness.

6 Q. Okay. All right. I'm going to go on Page 5
7 of 6 now, just for the record. This is CCSAO-CIU 156.
8 And I'm just going to start at this sentence where I'm
9 sort of moving my cursor here. You say, "Fletcher's
10 father found me in November of 2011. He told me his son
11 had been convicted. He asked me about my testimony and
12 what I saw. I told him" -- let me make this a little
13 bit bigger. "I told him how the police showed me a
14 photo of his son. I told him I thought it was really
15 strange that they showed me a single picture instead of
16 a photo array, and that it was strange how they wanted
17 me to say it was him -- or say it was his son. I had
18 previously seen a photo array when I was a victim of an
19 attempted robbery. I told Fletcher about how I remember
20 the Defense attorney asking me a question about the
21 police coming, but the police object -- but the State
22 objected, and the attorney couldn't figure out how to
23 ask me how the police acted when they came to my house."
24 Do you see that, sir?

25 A. 2011?

Q. Yes. That's what's in your declaration.

A. Okay.

Q. Okay. So my question is, in your declaration, you say -- okay. So my question is, in your declaration, you say that Mr. Fletcher's father came to see you, and that you told him that the police had only shown you a single photograph, and that you thought it was strange that they did not show you a photo array. Do you see that?

A. Yes. I don't recall whether saying single. What I probably said was they had the pictures, and they pointed out his single photograph. And that was it.

Q. Are you saying that this --

A. They pointed him -- the police pointed him out.

Q. Are you saying that your declaration is inaccurate, then?

MR. STARR: Objection. Form, foundation, mischaracterizes his testimony.

THE WITNESS: I -- I couldn't say whether it's inaccurate or not. It's been years since I, you know, spoke on this. I couldn't say whether I said one photo or what.

BY MS. BITOY:

Q. Sure. So I -- sir, you signed this

1 declaration, correct?

2 MR. STARR: Asked and answered.

3 THE WITNESS: Yes, I did.

4 BY MS. BITOY:

5 Q. Okay. And you affirmed that all the
6 information in this declaration was true, correct?

7 MR. STARR: Asked and answered.

8 THE WITNESS: Correct.

9 BY MS. BITOY:

10 Q. Okay. So I'm just -- I'm reading from your
11 declaration right here. And where you see my cursor,
12 you say, "I told him, I thought it was really strange
13 that they showed me a single picture instead of a photo
14 array. And it was strange how they wanted me to say it
15 was his son. I had previously seen a photo array when I
16 was a victim of an attempt robbery." Do you see that,
17 sir?

18 MR. STARR: Asked and answered.

19 THE WITNESS: Yes.

20 BY MS. BITOY:

21 Q. Okay. So in your declaration, you -- or you
22 affirmed that you were only shown a single photograph;
23 is that accurate?

24 MR. STARR: Asked and answered. He just
25 explained this. You just asked him the same set of

1 questions.

2 MS. BITOY: Is that accurate, sir?

3 THE WITNESS: I would say to that -- to that
4 fact is that if I did say single, it wasn't a single
5 picture that they brung with them, but it was a
6 single picture that they was pointing out.

7 BY MS. BITOY:

8 Q. Okay. But that's not what's reflected in your
9 declaration, correct?

10 A. Okay. But --

11 MR. STARR: Asked and answered. Badgering,
12 harassing.

13 BY MS. BITOY:

14 Q. Is that accurate, sir?

15 MR. STARR: Same objections.

16 BY MS. BITOY:

17 Q. You can answer.

18 A. Well, here go the thing. I'm -- I'm not going
19 to say it's not accurate, but, you know, it could have
20 been misspoken, because they had more than one picture.

21 Q. Do you remember if you told Ms. Blagg if it
22 was one photo or multiple photos?

23 MR. STARR: Asked and answered.

24 THE WITNESS: I would've told her it was
25 multiple.

1 BY MS. BITOY:

2 Q. Okay. And I am just going to go back or down
3 to the final page. This is Page 6 of 6. And just for
4 the record, this is CCSAO-CIU-157. And you see that
5 there's a notary republic [sic] on here. It looks like
6 a Brenda Weeks. Do you see that?

7 A. Yes.

8 Q. Okay. Was a notary public present when you
9 signed this document?

10 A. I don't recall.

11 Q. Do you recall anyone else being present but
12 you and Ms. Blagg when you signed this document?

13 MR. STARR: Asked and answered.

14 THE WITNESS: I remember her.

15 BY MS. BITOY:

16 Q. And by her, you mean Ms. Blagg, correct?

17 A. Right.

18 Q. Okay. We're done with this. Sir, would you
19 agree that 2012, when you filled -- or signed this
20 declaration, that was the first time that you ever came
21 forward to say the police officers showed you, or
22 pointed out Mr. Fletcher to you, prior to your testimony
23 at trial?

24 A. Are you -- can you -- can -- can you repeat
25 that, please? I'm sorry.

1 Q. Sure. Would you agree that 2012 was the very
2 first time that you ever came forward to say that police
3 officers pointed out Mr. Fletcher to you and wanted you
4 to identify Mr. Fletcher at trial?

5 MR. STARR: Form, foundation, and
6 mischaracterizes prior testimony.

7 THE WITNESS: No, I -- I wouldn't say that's
8 accurate.

9 BY MS. BITOY:

10 Q. When is the very first time that you came
11 forward and said that -- told anyone that you had been
12 manipulated by police?

13 A. I never said I was manipulated. I said that
14 it was strange that they would show me one photo. I
15 never said that they manipulated or anything like that.
16 I said it was strange that they only picked out this one
17 photo out of the other photos that they had. And it was
18 strange that they said his name over and over again.

19 Q. When is the very first time that you voiced
20 that concern to anyone?

21 A. I -- I haven't voiced that concern to nobody
22 but what I put in the depositions. That's -- that's the
23 only time I've voiced it.

24 Q. Right. So that's what I mean. 2012, when you
25 signed that declaration, that was the very first time

1 that you had told anyone that you felt it was strange
2 that police were trying to get you to identify Mr.
3 Fletcher; is that accurate?

4 A. That could -- that could be true. That's
5 accurate.

6 Q. In your declaration, and you testified today
7 that you spoke to Mr. Cooper at the courthouse in 2002.
8 Do you remember that testimony?

9 A. Yes.

10 Q. Okay. And have you ever seen Mr. Cooper since
11 then? That time?

12 A. No. No.

13 Q. Have you ever learned that Mr. Cooper has
14 signed any declarations or affidavits on behalf of
15 Mr. Fletcher?

16 A. No.

17 Q. Did Ms. Blagg tell you that she was speaking
18 to any other witnesses and attempting to obtain
19 declarations or affidavits from that?

20 A. No.

21 Q. And you stated that you spoke to Mr. Fletcher,
22 Sr. in 2011. How did Mr. Fletcher, Sr. contact you?

23 A. Well, like I said, he didn't contact me, per
24 se. He contacted me through my brother. He actually
25 went to my brother's house.

1 Q. And who is your brother, sir?

2 A. Eric Wade.

3 Q. And do you know how Mr. Fletcher Sr. was able
4 to contact Eric Wade?

5 A. Don't know how. Don't know how.

6 Q. Okay. And did your brother then tell you that
7 Mr. Fletcher, Sr. was looking for you?

8 A. Well, he called me while he was there.

9 Q. Oh, okay. So Mr. Fletcher, Sr. and your
10 brother called you?

11 A. Right. My brother called me.

12 Q. Okay. And did you have a conversation at that
13 time with Mr. Fletcher, Sr.?

14 A. I didn't have a conversation. He asked to
15 meet with me. And I said, okay, fine.

16 Q. And do you recall how soon after that phone
17 conversation you met with Mr. Fletcher, Sr.?

18 A. Probably a week after that.

19 Q. And where was that meeting?

20 A. It could have been at Louie's, because that's,
21 you know, where I meet everybody at.

22 Q. Do you remember seeing or meeting with
23 Mr. Fletcher, Sr. in person on more than one occasion?

24 A. Maybe twice. That's it. The first time we
25 sat and talked. And he was just like, you know, he

1 really, you know, want to see this thing through with
2 his son. He -- he felt his son was innocent. The
3 second time, I think this is how the attorneys came
4 along. The -- the lady you're talking about.

5 Q. Apart from telling you that he thought that he
6 thought that his son was innocent, did he tell you
7 anything else about Mr. Fletcher's case?

8 A. Who is -- Mr. Fletcher told me that.

9 Q. Right.

10 A. The father.

11 Q. So there's a Senior --

12 A. No. Well, right. He never told me anything
13 else about it.

14 Q. Okay. Did Mr. Fletcher, Sr. tell you that he
15 wanted you to sign a declaration on behalf of
16 Mr. Fletcher?

17 A. First time, again, I'm hearing about this
18 declaration. I never knew what this declaration mean
19 until I'm looking -- you saying it today.

20 Q. Okay. So the Declaration that we went through
21 that -- the handwritten, are you saying that today's the
22 very first time that you've seen this declaration?

23 MR. STARR: Objection.

24 MS. BITOY: That's the first time I've seen it.

25 MR. STARR: Mischaracterizes his testimony.

1 BY MS. BITOY:

2 Q. So you're saying that the first time that
3 you're seeing this declaration is today? I'm sorry, I
4 just want to get a clean answer for that.

5 A. Yes. I saw her writing that --

6 MR. STARR: Mischaracterizes testimony.

7 THE WITNESS: -- but I never -- never reviewed
8 it.

9 BY MS. BITOY:

10 Q. Okay.

11 A. Before today.

12 Q. Okay. So you've never reviewed the
13 declaration prior to today; that's your testimony?

14 A. Right. Right.

15 Q. Okay. Understood. Did Ms. Blagg ask you
16 whether you would testify at an evidentiary hearing on
17 behalf of Mr. Fletcher?

18 MR. STARR: Foundation.

19 THE WITNESS: I don't recall.

20 BY MS. BITOY:

21 Q. Did you tell Ms. Blagg that you would be
22 willing to testify in a court proceeding on behalf of
23 Mr. Fletcher?

24 MR. STARR: Objection, asked and answered.

25 THE WITNESS: I don't recall that, either.

1 BY MS. BITOY:

2 Q. Okay. In your declaration, it states that
3 Mr. -- when you were at the courthouse with Mr. Cooper,
4 Mr. Cooper told you that he was only 75 percent sure
5 that Mr. Fletcher was the offender; is that accurate?

6 A. That's correct. That's accurate.

7 Q. Okay. Did you tell that information to
8 Ms. Blagg?

9 A. I don't recall whether I did or not.

10 Q. Did Ms. Mr. Cooper ever tell you the basis of
11 why he felt he was only 75 percent accurate?

12 A. No.

13 Q. That fact -- isn't sure? I'm sorry. No?

14 A. No, no.

15 Q. I think you testified previously that you were
16 arrested three or four times for traffic violations. Do
17 you recall that testimony?

18 A. Yes.

19 Q. Was that in Chicago or was that somewhere
20 else?

21 A. Chicago.

22 Q. Did you have any negative experiences with
23 police during either -- any of those instances?

24 A. No.

25 Q. Okay. If we could just take maybe, like, a

1 five-minute break. I think I'm wrapping up.

2 A. Okay. At 1:00, we have to pick up my
3 daughter.

4 Q. Okay. And I'll --

5 A. So.

6 Q. Okay. It -- it's just going to be a
7 five-minute break. I -- and I'm --

8 A. Okay.

9 Q. -- happy. So I really appreciate your
10 patience. I know this is not fun, so just five minutes.

11 A. Oh, okay. That's fine.

12 THE REPORTER: Okay. We're --

13 MS. BITOY: Thank you.

14 THE REPORTER: -- going off the record. The
15 time is 12:38 p.m.

16 (OFF THE RECORD)

17 THE REPORTER: We are back on the record for
18 the deposition of Emmett Wade. My name is Lucy
19 Gough. Today's November 11, 2023. The current time
20 is 12:43 p.m.

21 BY MS. BITOY:

22 Q. Okay. Mr. Wade, I only have very --
23 essentially one more question for you. I just want to
24 show you your declaration once more.

25 A. Okay. I'm going to get my glasses, okay?

Q. Okay. Sounds good.

A. All right. Okay. I'm ready.

Q. Okay. And so I -- just for reference here, I'm on Page 3 of 6. This is Bates stamped CCSAO-CIU-154. And I just want to focus on this portion right here, where it says, "The lady attorney agreed that he was a bad guy and that he had done this type of thing." Do you see that?

MR. STARR: Asked and answered.

BY MS. BITOY:

Q. Do you see that?

A. Yes, I -- yes.

Q. So it's your testimony that the State's attorney had -- was involved in the conversation when officers told you that Fletcher was a bad guy? Is that --

A. No. No.

MR. STARR: Form, foundation.

THE WITNESS: No, she -- she --

MR. STARR: Mischaracterizes his testimony. Go ahead.

THE WITNESS: -- she -- she -- she -- she wasn't saying -- she never said Fletcher. She said -- I think her statement was, these are bad guys. She never said Fletcher. She never said the names

of the other people that was in the photo.

BY MS. BITOY:

Q. You said that she said that these were bad guys. What -- who was she referring to?

A. I guess the photos that they were showing.

Q. Okay. So in your declaration here -- because -- I'll go back a little bit further, or further up -- your declaration states that "They came inside. We sat down. The guy with a bald head showed me one picture. He said, this is the guy we have in custody. He is a bad guy. We want to keep him off the street. They let me know he was in jail, and they didn't want him to get out. They said, if he got convicted on this case, he would be in for life. The lady attorney agreed that he was a bad guy and that he did this type of thing." Do you see that?

A. Yes.

Q. So according to your declaration, the State's attorney agreed with the police officers that the photo who they had shown you of Mr. Fletcher, he was a bad guy; is that it?

MR. STARR: Form. Form, foundation. Asked and answered. Mischaracterizes prior testimony. Harassing.

BY MS. BITOY:

1 Q. You can answer, sir.

2 A. Well, I -- I don't -- it is hard to recall
3 that conversation in total, but she never -- for me, she
4 never got involved with picking out anyone. What I
5 recall is maybe -- maybe I misspoke to this lady, but I
6 recall her saying that -- that these are bad guys.

7 Q. I think those are all the questions that I
8 have for you, sir. The other attorneys may have some
9 further follow-up. Thank you for your time.

10 A. Thank you.

11 EXAMINATION

12 BY MS. MORRISON:

13 Q. Hi, Mr. Wade. My name's Katherine Morrison,
14 and I represent the City of Chicago. I just have a
15 quick follow-up question with regard to what Ms. Bitoy
16 was just asking you.

17 A. Okay.

18 Q. You were asked by Mr. Starr earlier that
19 during this second meeting with the detectives, and the
20 State's attorney back in 2002, I think he asked you if
21 you knew if the State's attorney was participating in
22 the conversation or heard what you were telling the
23 detectives. Do you remember that question?

24 MR. STARR: Objection to form.

25 THE WITNESS: Yes.

1 BY MS. MORRISON:

2 Q. And it's clear, based on the documents that
3 you've been shown, that the State's attorney was paying
4 attention, and was involved in the conversations at that
5 time; would you agree?

6 MR. STARR: Objection to form. Foundation.
7 Mischaracterizes prior testimony. Asked and
8 answered. You can answer.

9 THE WITNESS: I didn't never see her involved.
10 I -- I -- I thought for me, I thought it was more
11 them than her.

12 BY MS. MORRISON:

13 Q. But she was present when you told the
14 detectives that --

15 A. She -- she -- she was -- she -- she was
16 present, but she wasn't answering the questions like
17 they was, or pointing at the pictures. She wasn't doing
18 any of that.

19 Q. Sure. But my question is, was she present in
20 the room when you told the detectives that you could not
21 identify Mr. Fletcher as the shooter?

22 MR. STARR: Asked and answered.

23 THE WITNESS: Oh, yes. Yes. Yes, she was.

24 BY MS. MORRISON:

25 Q. Okay. Have you spoken to anyone from the City

1 of Chicago with regard to this incident following your
2 testimony back in the 2005 criminal trial?

3 A. No, I haven't.

4 Q. Those are all the questions that I have. Thank
5 you.

6 A. Thank you.

7 REDIRECT EXAMINATION

8 BY MR. STARR:

9 Q. I just have a couple of follow-ups to that.

10 A. Uh-huh.

11 Q. Ms. Morrison asked if you spoke to anybody
12 from the City of Chicago after your testimony in 2005.
13 Did you -- did the police ever try to contact you at any
14 point between 1990 and 2002?

15 A. No, not that I recall. And if they did, they
16 probably was at the wrong address, because I had moved.

17 Q. Okay. So you have no recollection of the
18 police ever attempting to contact you --

19 A. Never.

20 Q. -- about this case between 1990 and when they
21 came back in 2002, correct?

22 A. No.

23 Q. Okay.

24 A. Don't have no recollection.

25 Q. And you were shown the declaration multiple

1 times by myself and by Ms. Bitoy. You saw -- you saw
2 that your signature's on that document, correct?

3 A. Right.

4 Q. And you wouldn't have signed a document unless
5 you believed it would be accurate, correct?

6 A. That's correct.

7 Q. Okay. You testified that the state's
8 attorney, or the woman who identified herself as the
9 state's attorney, was in the room when the detectives
10 were at your home, correct?

11 A. Correct.

12 Q. But you don't know if she was paying attention
13 to what you and the detectives were talking about,
14 correct?

15 MS. BITOY: Objection.

16 MS. MORRISON: Objection.

17 THE WITNESS: No, because I was --

18 MS. MORRISON: Mischaracterizes testimony.

19 BY MR. STARR:

20 Q. You can answer.

21 A. -- I was turned towards the detectives.

22 Q. Okay.

23 A. And we was talking.

24 Q. And you don't know if they saw what photo in
25 particular they showed you when they identified the

1 photograph as being the suspect, correct?

2 MS. MORRISON: Objection. Form.

3 THE WITNESS: Can you repeat that again? I'm
4 sorry.

5 BY MR. STARR:

6 Q. Sure. Because you were not paying attention
7 to the state's attorney, you don't know if she was
8 paying attention to the photo that they showed you when
9 they identified the photo as being the suspect?

10 MS. BITOY: Objection.

11 MS. MORRISON: Form, speculation.

12 MS. BITOY: Foundation.

13 THE WITNESS: I -- I -- I don't know if she was
14 paying attention or not.

15 BY MR. STARR:

16 Q. So you don't even know if she could see the
17 photo when they showed it to you, correct?

18 MS. MORRISON: Objection. Speculation.

19 THE WITNESS: I think -- well, from -- from the
20 view of the house, she -- she couldn't have seen the
21 photos as -- how it was held.

22 BY MR. STARR:

23 Q. And you said that you testified that you think
24 that she was writing during this interview, correct?

25 A. Right.

Q. Did you ever see what she was writing?

A. No, I didn't. She --

Q. You have no --

A. -- was sitting across the room from me.

Q. You have no idea what she was writing,
correct?

A. Correct.

Q. And she could've been drawing. You don't know
for -- that for a fact that she was, in fact, writing,
do you?

MS. MORRISON: Objection. Form.

THE WITNESS: No, I don't.

BY MR. STARR:

Q. She could have been writing poetry or writing
a love letter, correct?

MS. MORRISON: Objection. Form.

THE WITNESS: I don't know what she was
writing.

BY MR. STARR:

Q. You were asked about whether or not you knew
that Ms. -- by Ms. Bitoy, you were asked whether or not
you knew that Mr. Fletcher had received a Certificate of
Innocence. Do you remember that question?

A. Right.

Q. Are you familiar with what a Certificate of

1 Innocence is, sir?

2 A. First time I heard it today.

3 Q. Okay. Well, just so you know, it's when a
4 judge enters an order finding that the individual who
5 was previously convicted of a crime is innocent. Does
6 that make sense?

7 A. That makes sense.

8 MS. BITOY: Form.

9 BY MR. STARR:

10 Q. So when I tell you that Mr. Fletcher has
11 received it -- or actually, when Ms. Bitoy told you that
12 Mr. Fletcher received a Certificate of Innocence, did
13 that surprise you at all, sir?

14 MS. MORRISON: Objection. Form.

15 THE WITNESS: I -- I -- I don't -- I can't say
16 it surprised me, but, you know, it -- it is what it
17 is.

18 BY MR. STARR:

19 Q. Okay.

20 A. At this point.

21 Q. And you previously testified that the reason
22 you were here today testifying is because you wanted to
23 tell the truth, right?

24 A. Right. I have been telling the truth since
25 the day it happened.

1 Q. Okay. And you told us the truth today, right,
2 sir?

3 A. Yes, I have.

4 Q. Okay. Thank you for your time. I appreciate
5 it. I have no further questions.

6 A. Thank you.

7 MS. BITOY: I don't have any further questions
8 based on that.

9 RE-EXAMINATION

10 BY MS. MORRISON:

11 Q. Just have one follow-up. Mr. Wade, do you
12 have any reason to believe that the state's attorney was
13 not paying attention when the detectives were speaking
14 to you at your house back in 2002?

15 A. I can't --

16 MR. STARR: Objection. Form, foundation,
17 mischaracterizes the prior testimony. Asked and
18 answered. Go ahead.

19 THE WITNESS: I can't characterize that,
20 because I wasn't paying attention to her. I -- I
21 was, you know, really focusing with the officers.
22 So I can't answer that.

23 BY MS. MORRISON:

24 Q. Would she have been able to hear you clearly
25 from the position that she was in the living room?

MR. STARR: Speculation.

THE WITNESS: Sure.

MS. MORRISON: Okay. No further questions.

FURTHER DIRECT EXAMINATION

BY MR. STARR:

Q. I have one follow-up. Sir, you don't know whether or not the state -- the woman who identified herself as the state's attorney recognized the fact that the police had identified for you who the suspect was, correct?

A. I -- I don't think she could've saw them from the position she was sitting. You know, the pictures that they sent that was Fletcher. I don't think that they -- she could have saw that.

Q. So you have no idea whether or not the state's attorney was aware that the police were manipulating you, or attempting to manipulate you, into identifying the photo of Mr. Fletcher, correct?

MS. BITOY: Objection to form.

MS. MORRISON: Objection. Mischaracterized his testimony. He already said they did not manipulate him.

THE WITNESS: I -- I agree. I don't -- I don't -- I didn't see no manipulation at that time. Or I didn't think of it that way.

1 BY MR. STARR:

2 Q. So let me rephrase it. I actually didn't ask
3 you -- I changed the question as I was asking it. I
4 said, you don't have any idea whether or not the state's
5 attorney was aware that the police were attempting to
6 manipulate you into identifying the photo of Mr.
7 Fletcher, correct?

8 MS. MORRISON: Objection. Form.

9 THE WITNESS: Correct.

10 MS. MORRISON: Mischaracterizes testimony.

11 BY MR. STARR:

12 Q. You can answer.

13 A. Correct.

14 MR. STARR: Okay. I have no further questions.

15 RE CROSS-EXAMINATION

16 BY MS. BITOY:

17 Q. I just have one follow-up. Sorry.

18 MS. MORRISON: Go ahead.

19 BY MS. BITOY:

20 Q. I just have one follow-up question from that,
21 Mr. Wade. And I'd like to go back to your declaration
22 for a moment for this. Again, I'm on page -- what is
23 this? 3 of 6, Bates stamp CCSAO-CIU-154. And in your
24 declaration, you state starting sort of where I have my
25 cursor here, "I was not confident" -- I'm sorry. I'll

1 go back up a little bit. In your declaration, you
2 state, "They seemed confident that the man in the
3 picture was the man who committed the crime. I was not
4 confident, and I told them that I would not say it was
5 him. After that, the lady attorney backed the other
6 officers off and said that was enough." So based on
7 your declaration, the state's attorney actually told the
8 officers to back off and that was enough. So would that
9 lead you to believe that she would have knowledge that
10 they were showing you a picture that you could not
11 identify as Mr. Fletcher?

12 MR. STARR: Objection. Form, foundation. Asked
13 and answered. Compound. Calls for speculation,
14 mischaracterizes his prior testimony.

15 THE WITNESS: Well, I can't recall a statement,
16 but if she said that, you know, I don't know. I --
17 my whole -- like I said, my whole thing was paying
18 attention to the officers. They was the one
19 directing the questions, so I couldn't tell you for
20 one thing. What I am confident of, I wasn't going
21 to have somebody convicted that I wasn't sure who
22 pulled the trigger. That's all. That's it. That's
23 all.

24 BY MS. BITOY:

25 Q. Sure. I understand. I -- I'm just trying to

1 say that based on your declaration, the lady starts at -
2 - state's attorney was paying enough attention to tell
3 officers that they needed to back off and that was
4 enough, correct?

5 MR. STARR: Form, foundation. And he just
6 asked -- you just asked, and he just answered that.
7 BY MS. BITOY:

8 Q. You may answer, sir.

9 A. Okay. Well, I think at the -- that was at the
10 -- at -- at the close of everything. You know, that
11 night, she was telling them it was enough questions and
12 to bag it -- back off and we'll go from here. So you
13 know, I don't -- I don't know whether she was talking
14 about the pictures, or something they said at the end. I
15 don't know. I -- I can't recall what that was.

16 MS. BITOY: Okay. I don't have any further
17 questions.

18 MS. MORRISON: Nothing further.

19 FURTHER DIRECT EXAMINATION

20 BY MR. STARR:

21 Q. Just one question. So when the state's
22 attorney said -- told the officers to back off, you're
23 not sure if that was right after you said you couldn't
24 identify, or if it was ten minutes after that, or if
25 they were standing too close to you? You don't

1 **remember, right?**

2 MS. MORRISON: Objection. Form of the
3 question.

4 THE WITNESS: No. It's --

5 MS. BITOY: Mischaracterizes his --

6 MS. MORRISON: You can answer.

7 THE WITNESS: No, no. I wouldn't say -- this
8 was at the conclusion of that meeting. They was
9 about to leave, so I don't -- I don't recall why she
10 told them that. Maybe they asked me something else.
11 I don't -- I don't recall it. At this point, I just
12 don't recall it.

13 MR. STARR: Okay. I have no further questions.

14 THE REPORTER: Okay.

15 MS. MORRISON: Nothing further.

16 THE REPORTER: All right.

17 MS. BITOY: Nothing. Sorry. Thank you.

18 MR. STARR: Okay. So --

19 THE REPORTER: Mr. Starr, before we go off
20 record, do you want your standing order for this, or
21 are you going to order?

22 MR. STARR: I -- yeah, I think our standing
23 order's fine, but I just --

24 THE REPORTER: Oh.

25 MR. STARR: -- instruct the witness -- just to

1 let the witness know, though, Mr. Wade, in -- when
2 you give a deposition like this, you're given an
3 opportunity as a third-party witness to do one of
4 two things. You can waive your signature and
5 believe that the court reporter did her job
6 correctly and took down everything we said and
7 didn't make any mistakes, or you can reserve
8 signature. And what that means is that you've got
9 to come take a look at it, and read and review the
10 transcript. I'm not your attorney, but I generally
11 recommend to my clients that they -- that they waive
12 signature, because I know the court reporters do
13 their job correctly.

14 THE WITNESS: Well, after seeing some things
15 that I'd have saw, I want to reserve -- reserve it,
16 and I want to, you know, make sure what's in there
17 is what I said.

18 MR. STARR: Fair enough. Okay.

19 THE REPORTER: Okay.

20 MR. STARR: So we'll reserve.

21 THE REPORTER: Sure.

22 THE WITNESS: Okay.

23 THE REPORTER: Thanks. Is there an e-mail
24 address I can send the -- that to?

25 THE WITNESS: Yes, it's Emmett,

1 E-M-M-E-T-T-W-A-D-EJ-R@outlook.com.

2 THE REPORTER: Thank you. And then -- okay. So
3 Mr. Starr, I've got you for the standing order and a
4 copy of the Zoom video? Or --

5 MR. STARR: Yeah, let me just -- let me -- I'll
6 get -- I'll let you know. I'm not sure.

7 THE REPORTER: Okay. And then Ms. Morrison, do
8 you want to order the transcript, or the video?

9 MS. MORRISON: Not at this time. Thank you.

10 THE REPORTER: Okay. And then Ms. Bitoy, do
11 you want to order the transcript or the video?

12 MS. BITOY: Just the transcripts. PDF is fine.
13 Thank you.

14 THE REPORTER: All right. And sorry,
15 Mr. Starr, just to clarify, do you want to hold off
16 on the transcript as well for now?

17 MR. STARR: Yeah. For now. And why don't we
18 let the witness go? Mr. Wade --

19 THE REPORTER: Yeah. Okay.

20 MR. STARR: -- thank you very much for your
21 time on this Saturday. We appreciate it.

22 THE WITNESS: Okay. Thank you. You guys have
23 a good day.

24 MR. STARR: This concludes the deposition.

25 MS. BITOY: Thank you. You, too.

1 THE REPORTER: Thanks. You, too.

2 MR. STARR: Take care, sir.

3 THE REPORTER: This concludes the deposition.

4 The time is 1:00 p.m. [sic].

5 (DEPOSITION CONCLUDED AT 12:58 P.M. C)

1 CERTIFICATE OF DIGITAL REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page here of by me after
7 first being duly sworn to testify the truth, the whole
8 truth, and nothing but the truth; and that the said
9 matter was recorded digitally by me and then reduced to
10 type written form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skill and ability. I certify that I am not a
13 relative or employee of either counsel, and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.

16
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18
19 

20
21
22 LUCY GOUGH,

23 DIGITAL REPORTER / NOTARY

24 MY COMMISSION EXPIRES ON: 01/31/2024

25 SUBMITTED ON: 11/21/2023

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